

ORIGINAL

UNITED STATES NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of:)

EVIDENTIARY HEARING)

PUBLIC SERVICE COMPANY OF)

NEW HAMPSHIRE, et al)

(SEABROOK STATION, UNITS 1 AND 2))

) DOCKET: 50-443-OL

) 50-444-OL

) OFFSITE EMERGENCY

) PLANNING
)
)
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Pages: 10594 through 10821

Place: Concord, New Hampshire

Date: May 5, 1988

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1 UNITED STATES NUCLEAR REGULATORY COMMISSION
 2 ATOMIC SAFETY AND LICENSING BOARD

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3 In the Matter of:)
 4)
 5 PUBLIC SERVICE COMPANY OF) Docket Nos.
 6 NEW HAMPSHIRE, et al.,) 50-443-OL
 7) 50-444-OL
 8 (SEABROOK STATION, UNITS 1 AND 2)) OFF-SITE EMERGENCY
 9) PLANNING
 10)
 11 EVIDENTIARY HEARING

12 Thursday,
 13 May 5, 1988

14 Room 210
 15 Legislative Office Building
 16 Concord, New Hampshire

17 The above-entitled matter came on for hearing,
 18 pursuant to notice, at 10:02 a.m.

19 BEFORE: JUDGE IVAN W. SMITH, CHAIRMAN
 20 Atomic Safety and Licensing Board
 21 U. S. Nuclear Regulatory Commission
 22 Washington, D.C. 20555

23 JUDGE JERRY HARBOUR, MEMBER
 24 Atomic Safety and Licensing Board
 25 U. S. Nuclear Regulatory Commission
 Washington, D.C. 20555

JUDGE GUSTAVE A. LINENBERGER, JR., MEMBER
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1	I N D E X		
2	<u>WITNESSES</u>	<u>DIRECT CROSS REDIRECT RECROSS EXAM</u>	
3	<u>Panel:</u>		
	JOHN W. BAER		
4	DONALD W. BELL		
	JOHN D. BONDS		
5	ANTHONY M. CALLENDRELLO		
	PAUL R. FRECHETTE, JR.		
6	JAMES A. MACDONALD		
	RICHARD H. STROME		
7	WILLIAM T. WALLACE, JR.		
	by Ms. Sneider	10599	
8	by Mr. Brock	10683	
	by Ms. Weiss	10706	
9	by Mr. Backus	10744	
	by Ms. Mitchell	10755	
10	by Ms. Sneider	10756	
	by Mr. Turk	10759	
11	by Judge Linenberger		10763
	by Ms. Sneider		10769
12	by Judge Linenberger		10777
13	<u>Panel:</u>		
	BEVERLY HOLLINGWORTH		
14	THOMAS MOUGHAN		
	JEAN LINCOLN		
15	by Mr. Brock	10786	
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EXHIBITS: IDENTIFIED RECEIVED DESCRIPTION

Massachusetts Attorney General:

No. 14	10620	10623	1 page, Shelter Survey Form, Stone & Webster
No. 15	10621	10623	2 pages, Hampton, New Hampshire Assessor's Property Work Card
No. 16	10624	10682	1 page, Shelter Survey Form, Jeanette's Sea Shoppe
No. 17	10626	10682	2 pages, Calculator Cost Form, Tax Assessor's Card, Jeanette's Sea Shoppe

P R O C E E D I N G S

(9:02 a.m.)

1
2
3 JUDGE SMITH: Mr. Turk, when we come to a point of
4 disposing of the motion on the Sholly-Beyea testimony, we'd
5 like to ask you to review what you've stated before the Board
6 on page -- beginning on page 10271, line 17 and continuing on
7 10272 through line four. When you get familiar with that we'd
8 like to ask you to clarify what you intended to say there or
9 what you said.

10 MR. TURK: Your Honor, can we ask whoever has the May
11 3rd transcript to let me refer to it.

12 Whereupon,

13 JOHN BAER

14 DONALD BELL

15 ANTHONY M. CALLENDRELLO

16 PAUL R. FRECHETTE

17 JOHN D. BONDS

18 JAMES A. MACDONALD

19 RICHARD H. STROME

20 WILLIAM T. WALLACE

21 having been previously duly sworn, resumed the witness stand
22 and was examined and testified further as follows:

23 RESUME CROSS-EXAMINATION

24 BY MS. SNEIDER:

25 Q Good morning.

1 On page 13 of your testimony it states, quote: "A
2 key provision for initiation of protective actions is prompt
3 notification of the public." It also states: "That sirens are
4 in place in the beach area to sound an alert signal and to
5 broadcast voice message to advise beach population of actions
6 they should take." Is that correct?

7 A (Callendrello) Again, I think the essence of that is
8 correct. I'm not sure I heard all the words that are actually
9 in the testimony, on the fact that the messages will be in
10 English and French. But the essence of that is correct.

11 Q Has the state performed any tests to determine if the
12 sirens on the beach when used in the voice mode will be
13 intelligible to people all over the beach area?

14 A (Strome) The state has not conducted tests of that
15 type yet, no.

16 Q Has the utility?

17 A (Callendrello) Yes.

18 Q And did those tests demonstrate that sirens could be
19 intelligible all over the beach area?

20 A (Callendrello) The tests indicate the range at which
21 a certain percentage of the population will find the message
22 intelligible. And the criteria that is set is the distance at
23 which a certain percentage will find the message intelligible;
24 and that percentage is 90 percent. So, I know a distance where
25 90 percent of the population would find the message

1 intelligible, at least, without any further communication from
2 any other information source.

3 That distance where 90 percent intelligibility is
4 achieved, by the way, does cover the entire beach area.

5 Q Did this test take into consideration the sounds from
6 the ocean or was it just based on distance in any location?

7 A (Callendrello) I don't know the details on what
8 level of ambient noise that took into effect. I'm just not
9 familiar with the details of the study.

10 Q Who is the person at New Hampshire Yankee who's most
11 knowledgeable about this study?

12 A (Callendrello) My contact, at least in terms of
13 getting information regarding the study, is an engineer by the
14 name -- or emergency planner by the name of Travis Beard.

15 Q Now, with respect to the instructions that might be
16 given to the beach population in the event they were told to
17 shelter, the EBS messages in the 8/86 version of the New
18 Hampshire RERP, Rev. 2 recommended among several measures that,
19 quote: "To obtain increased protection from possible exposure
20 to radiation people move to a basement, if there was one in
21 their building. The latest draft messages regarding sheltering
22 have deleted the recommendation to move to basements." Is that
23 correct?

24 A (Callendrello) I don't have -- I don't think I have
25 both versions of that in front of me. I may have the 8/86

1 messages and I can at least give you an answer on that one.

2 I don't think what you've related is correct, but I'd
3 like to just verify that, using both versions of the plan. I
4 need the old and new Volume 4s.

5 Have you got a specific message?

6 Q Any of the messages where they're giving instructions
7 to the public with respect to sheltering? I believe E or F.

8 A (Callendrello) I've got Message F from the New
9 Hampshire plan dated 8/86, and I'm in Appendix G to Volume 4,
10 Message F which is page 18 of 26. And I see a reference that
11 says, "Take a radio with you and move to the basement, if you
12 have one, or move to the room with fewest windows and doors."

13 And in the 2/88 version of the messages, again
14 Appendix G to Volume 4, Message F, the statement, the
15 comparable statement says: "Take a radio with you and move to
16 the room with fewest windows and doors." So that the
17 statement, "Move to the basement, if you have one," has been
18 deleted.

19 Q Do you know why it was decided to drop this
20 recommendation?

21 A (Callendrello) No, I don't. Maybe Mr. Strome does
22 or Mr. Bonds.

23 A (Strome) I do not.

24 Q Would you agree that if someone has a basement to
25 shelter in that it would be to their advantage to shelter in

1 the basement rather than in upstairs rooms of the house?

2 A (Strome) I defer that to Public Health, but I think
3 there are some obvious reasons why you -- why you get into an
4 area with fewer natural openings.

5 A (Wallace) In general, yes, in answer to your
6 question.

7 Q Isn't it true that shielding factors are where the
8 basements provide greater shielding from radiation than upper
9 stories of a house?

10 A (Wallace) As a general rule, yes, that's correct.

11 Q The new message has also deleted a recommendation to
12 use respiratory protection if people went outdoors; is that
13 accurate?

14 A (Callendrello) Yes, it is.

15 Q Dr. Wallace, do you know why this recommendation was
16 dropped?

17 A (Wallace) No, I do not.

18 Q Would you agree that if people do go outdoors that
19 it's advisable to use some type of respiratory protection?

20 A (Wallace) That would in general depend upon the
21 nature of the release, the components, what's there. But
22 certainly respiratory protection, you know, in instances where
23 there are certain particulates and the things that you want to
24 protect against, respiratory protection would do that.

25 Q Has any consideration been given to recommending

1 respiratory protection for people while they're indoors?

2 A (Bonds) In general, yes. That's the point behind
3 the closing of the windows, the turning off the fans, is to
4 keep the particulates on the outside, don't bring them inside;
5 that is a form of respiratory protection.

6 Q But there's been no consideration in terms of putting
7 toilet paper, for instance, over one's mouth?

8 A (Bonds) No, there has not.

9 Q Mr. Bell, I'd like to ask you a few questions now.

10 A (Callendrello) Just move him up to the front and
11 make it a little easier.

12 Q Sure.

13 A (Strome) And I'd like to comment on the thrust of
14 the questions that you've been asking, counselor, if I could.
15 The messages have been forwarded as updates to FEMA for
16 comment, so that if there's -- these are not absolute final
17 products and I think that you should be aware of that.

18 Q Well, all I can do is deal with what I have before
19 me.

20 A (Strome) I beg your pardon?

21 Q I just have to look at what I have before me, is the
22 plan.

23 A (Strome) I understand that, but I wanted to make
24 sure that we raised your level of awareness to that level.

25 Q Mr. Bell, it's your company that performed the survey

1 of potential shelters, which I believe is Exhibit 2 to
2 Applicants' direct testimony?

3 A (Bell) That's correct.

4 Q Were you personally involved in that survey?

5 A (Bell) Yes, I was.

6 Q And what was your role specifically?

7 A (Bell) I did probably more than 50 percent of the
8 work and I coordinated the writing of the report.

9 Q By doing -- when you say you did 50 percent of the
10 work, does that mean you reviewed the tax assessor's cards and
11 filled out the shelter survey forms that formed the basis of
12 the final list?

13 A (Bell) Yes, a large part of them, but not all of
14 them.

15 Q And was it your understanding with respect to that
16 study that it was to be used by New Hampshire Yankee only as a
17 preliminary first step in the planning process to identify
18 actual usable sheltering space?

19 A (Bell) Yes.

20 Q And is it also true that it was intended only to
21 identify space that might potentially service shelters as
22 opposed to space Stone & Webster knew to be actually available
23 and usable as shelters?

24 A (Bell) That's correct. We were to find potential
25 space.

1 Q And did you also work on the earlier draft of the
2 Stone & Webster report dated March 1986?

3 A (Bell) Yes, I did.

4 Q And what was the purpose of that first study?

5 A (Bell) I would rather have Mr. Callendrello answer
6 that, he has the entire history of why they wanted to do it.

7 Q Well, I'd like -- what were your instructions in
8 preparing that study? What was your understanding of the aim
9 of that study?

10 A (Bell) The aim of that study was to find shelter
11 space, the total potential shelter space that was either
12 masonry or basement structure that would provide the sheltering
13 factors as presented in, say, the Aldrich study that talks
14 about .6, .4 shielding factors of that type.

15 Q Now, do you know why you were told to limit yourself
16 to shielding factors of the type you just described?

17 A (Bell) Yes.

18 Q Could you tell me, please?

19 A (Bell) There were -- well, I think I would rather
20 have Mr. Callendrello explain that.

21 Q Well, let me ask you one question and then maybe I'll
22 turn to Mr. Callendrello. That earlier draft did state, isn't
23 it true, that, quote: "Wood frame buildings without basements
24 were not included because this type of building usually does
25 not provide sufficient shielding?"

1 A (Bell) That's what the words say in the report. But
2 what it was meant was, that for the purposes of that study the
3 wood frame buildings were not considered to be adequate for the
4 purposes of that study, for what the study was being used for.

5 Q Well, this says it usually does not provide
6 sufficient shielding; is that right?

7 A (Bell) I guess if you say .9 is not sufficient, then
8 that would be correct. I don't know if I agree with that for
9 all situations.

10 Q Did you write this?

11 A (Bell) Yes.

12 (Continued on next page.)

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1 Q You're not a health physicist, are you?

2 A (Bell) No, I am not. I have some knowledge in that
3 area, but I am not a health physicist.

4 Q Who did make the decision to change the criteria
5 from -- change the criteria to .9 shielding?

6 A (Bell) New Hampshire Yankee. The second study had a
7 different purpose.

8 Q And that purpose, I take it, was just to identify all
9 public space in the beach area?

10 A (Bell) Yes, within the NHRERP criteria of .9
11 shielding factor.

12 Q Mr. Callendrello, what was the basis for New
13 Hampshire Yankee's decision to now include .9 shelters in this
14 study?

15 A (Callendrello) In order to understand the basis for
16 doing that, it may be important to understand the purpose of
17 the original study.

18 In late 1985, New Hampshire Yankee asked Stone &
19 Webster to perform an inventory of potential shelter space in
20 the beach areas. And the direction for that study was to
21 define the inventory buildings that met the shielding factor,
22 or equivalent to a shielding factor that would be provided by a
23 masonry building, because at the time New Hampshire Yankee was
24 working with the Commonwealth of Massachusetts to define a
25 strategy for sheltering the beach population that would be

1 acceptable to the Attorney General and to the Governor, and as
2 I understand that proposal, that proposal was to construct
3 shelters for the beach population.

4 The initial Stone & Webster study was intended to at
5 least be a scoping document as to what magnitude of a project
6 was involved in that proposal. Because the proposal was to be
7 a masonry building, the scope of the shelter study was to look
8 at buildings that were of comparable shielding factor, or dose
9 reduction factor. That is a building that's masonry or one
10 with a basement.

11 And that shelter study, I understand, was provided
12 to -- in fact, I think it was provided to you as well as other
13 members of the Attorney General's office and the Secretary of
14 Public Safety and what was called at the time the Seabrook
15 Watchdog Committee for their review prior to the Governor's and
16 the then Attorney General's proposal at the end of March 1986,
17 that they would be willing to allow operation of Seabrook if
18 there was a summer shutdown pending the evaluation and
19 construction of shelters for the beach population.

20 Then the shelter study lay fallow for awhile, until
21 the issue of sheltering the beaches in New Hampshire arose
22 again. And at that point the focus of the study took on a
23 different turn, and that is, we were looking to provide an
24 evaluation of the shelter capacity consistent with my
25 understanding of the concept of shelter. And that is -- and

1 this was consistent with the NRC's staff position as I've seen
2 in at least a few cases, the Byron case, for example, that said
3 essentially sheltering is -- you do the best you can with what
4 you have.

5 We needed to determine what we had, what we had on
6 the beach. And to do that, we needed to establish what the
7 dose reduction factor criteria were that these buildings would
8 have. And since the state was using .9, based on their own
9 innate knowledge of the buildings that exists throughout the
10 EPZ, we established that as the criteria which Mr. Bell looked
11 at in his revisit to the area, looked at the structures.

12 Q And I assume the first study did not look at these .9
13 structures because those were not considered suitable for
14 shelter; is that right?

15 A (Callendrello) No, they were not looked at; at least
16 they were not included in the inventory of potential shelter
17 space, because they weren't consistent with the level of
18 construction that the proposed shelters in Massachusetts would
19 be; that is, a masonry construction.

20 Q Mr. Bell, I take it you spent a good deal of time in
21 Hampton Beach looking at these shelters; is that accurate?

22 A (Bell) Yes, both looking at the tax records and out
23 in the field looking at the shelters.

24 Q So you have a good idea of the type of building and
25 the range of buildings that are in the beach area?

1 A (Bell) Yes.

2 Q Well, I would like to have you suppose a
3 hypothetical. Assume that you were on Hampton Beach with your
4 family and heard the emergency message directing you to go
5 indoors because there is a radiological release at Seabrook
6 Station.

7 Based on your knowledge of the buildings in the area,
8 would you go to the nearest accessible building in which you
9 could find space, or would you look for the building which in
10 your opinion would provide you the best protection from
11 radiation?

12 MR. LEWALD: I'm going to object to the question.

13 Using this witness as though he were a captive
14 audience to throw general hypotheticals at that don't go to his
15 expertise at all, but as a beachgoer, and this is taking unfair
16 advantage of this particular panel.

17 JUDGE SMITH: Well, the panel asserted at the outset
18 that each member of the panel is there to defend the entire
19 testimony. Now, if -- that doesn't seem to make sense in every
20 instance, but that was their assertion.

21 If he feels he has no particular expertise to answer
22 that, that's fine.

23 Objection overruled. I mean, it is relevant to the
24 testimony as a whole.

25 MR. LEWALD: That he and his family are at the beach

1 and what he's going to do? I submit that's beyond the scope of
2 the testimony, Your Honor.

3 MR. FLYNN: I'd like to ask for a clarification of
4 the question.

5 Is the witness being asked to pretend that he's not
6 an expert, but just an average beachgoer, and to predict what
7 the average beachgoer would do? Or is he being asked for his
8 expert opinion about which is the better shelter?

9 JUDGE SMITH: You may not think it's the greatest
10 question in the world, but, again, this is her cross-
11 examination, and if it's relevant to the direct examination,
12 she's allowed to ask it.

13 MR. FLYNN: Your Honor, that was not an objection. I
14 was simply asking for a clarification.

15 JUDGE SMITH: I see. Okay.
16 Could you clarify?

17 MS. SNEIDER: He's supposed to assume he's just who
18 he is on the beach.

19 JUDGE SMITH: But is this -- what part of the
20 direct --

21 MS. SNEIDER: Using whatever knowledge he knows about
22 the beach area from being in the beach area.

23 JUDGE SMITH: What part of the direct testimony is
24 this question addressed?

25 MS. SNEIDER: Well, it's going to responses to

1 questions posed yesterday to the panel that people would get
2 indoors immediately.

3 JUDGE SMITH: It's certainly not relevant to Exhibit
4 2.

5 MS. SNEIDER: If I may.

6 JUDGE SMITH: Applicants' Exhibit 2.

7 MS. SNEIDER: It's relevant to the sentence on Page
8 20 of the testimony that says, "It is expected that people will
9 comply with EBS announcements to take shelter, and that
10 owners/operators of public access facilities will make their
11 facilities available for this very limited purpose."

12 JUDGE SMITH: I think the relevance is very marginal,
13 but you can propound the question.

14 MS. SNEIDER: Thank you, Your Honor.

15 THE WITNESS: (Bell) Would you please repeat that
16 question or have it repeated so I fully understand?

17 BY MS. SNEIDER:

18 Q If you are on Hampton Beach with your family and
19 heard the emergency message directing you to go indoors because
20 of a radiological release at Seabrook Station, would you go to
21 the nearest accessible building in which you could find space,
22 or would you look for the building which in your opinion would
23 provide you the best possible protection from radiation?

24 A (Bell) I would probably listen to the message, and
25 decide -- try to decide based upon the knowledge of the area

1 that I have and the understanding that I have of shielding
2 factors. If I thought I had enough time to seek a better
3 shelter, I might seek a better shelter, or try to go to a large
4 building that I knew had a basement, or could remember.

5 But if I couldn't, if I thought it was imminent
6 danger, then I would go to the nearest building and go inside
7 with my family.

8 Q Okay, thank you.

9 Dr. Wallace, is it correct to say that .9 shielding
10 would result in a savings of six minutes of exposure out of an
11 hour?

12 (Witnesses confer.)

13 JUDGE SMITH: Could you insert the word "equivalent"
14 in there? The way the questions stand is that sheltering -- so
15 it's equivalent to six minutes in an hour. Sheltering at .9
16 would be equivalent.

17 MS. SNEIDER: Right.

18 THE WITNESS: (Wallace) Well, we've gone from time
19 to -- we're sort of mixing up time and dosages. But if you had
20 an hour of exposure time and you had, you know, 10 percent of
21 that, obviously six minutes is 10 percent of an hour.

22 So I guess the answer to your question is, yes, it's
23 six minutes. If there were going to be a whole hour, you save
24 six minutes of exposure.

25 BY MS. SNEIDER:

1 Q So then sheltering in a building with .9 shielding
2 factor would be comparable to -- you would get -- as opposed to
3 being -- let me rephrase that and start all over.

4 Sheltering for one hour in a building with .9
5 shielding would be equivalent to being outdoors for 54 minutes
6 as opposed to an hour; is that right?

7 (Witnesses confer.)

8 JUDGE SMITH: Either I haven't understood the
9 question, or I can't imagine the need to consult.

10 (Laughter.)

11 THE WITNESS: (Wallace) I guess the answer is yes.

12 MS. SNEIDER: Thank you.

13 THE WITNESS: (Wallace) Obviously, we were thinking
14 of all kinds of, you know, different parameters and
15 possibilities, but basically, yes, that's what we're saying.

16 BY MS. SNEIDER:

17 Q Is it true that in order to take shelter on Seabrook
18 and Hampton beaches that a large number of people would in fact
19 be moving in the direction of the reactor to take shelter?

20 A (Wallace) If across the street, you know, wherever
21 they are, and across the street is, you know, towards the west
22 towards the direction of the reactor, yes.

23 A (Callendrello) I agree that some people would have
24 to move in a westerly direction, or southwesterly direction
25 which would be closer towards Seabrook.

1 I just want to be careful that we've characterized
2 the number as large. Large in my mind does not necessarily
3 mean a majority. It would be those persons that are not
4 already in a building, or those people obviously that are to
5 the east of the strip of land that contains the buildings.
6 I just wanted to clarify the number large.

7 I expect it to be something less than the peak
8 population.

9 Q Did you say those people that are east of the strip
10 of land that contains the building would not be moving?

11 A (Callendrello) No, that would be moving.

12 Q Okay.

13 A (Callendrello) Closer towards the plant; at least by
14 a couple hundred feet at the least.

15 Q And in some cases people moving off the beach might
16 need to move 200 or 300 yards inland or westerly in order to
17 take shelter; is that right?

18 A (Callendrello) In some cases, that's right.

19 Q Isn't it possible that by moving 200 or 300 yards
20 closer to the reactor, that people may experience radiation
21 levels that are enough higher to more than compensate for 10
22 percent reduction due to sheltering?

23 JUDGE SMITH: As compared to what?

24 MS. SNEIDER: I'm comparing moving to a shelter.

25 JUDGE SMITH: To Spain, perhaps.

1 MS. SNEIDER: As compared to staying on the beach --
2 JUDGE SMITH: All right.
3 MS. SNEIDER: -- and not taking shelter.
4 JUDGE SMITH: Okay.
5 THE WITNESS: (Callendrello) I think Mr.
6 MacDonald --
7 THE WITNESS: (Wallace) Could I ask Mr. MacDonald,
8 the health physicist, to comment on that?
9 MS. SNEIDER: Sure.
10 THE WITNESS: (MacDonald) That's really hard to say.
11 You'd have to look at the whole radiation field from the
12 accident situation and the plume and the plume characteristics
13 and the whole definition of field strength as a function of
14 distance. And it could actually be with the meteorological
15 conditions that would be represented on a hot summer day that
16 the exposure would be less as a function of distance, even in
17 closer.
18 It depends on the plume characteristics and the
19 height of the plume at the beach.
20 BY MS. SNEIDER:
21 Q And in some situations that could be the case.
22 A (Wallace) Could be the case.
23 JUDGE SMITH: Let me understand. This line of
24 questioning would ask you to take into account a few hundred
25 feet to the west compared to standing still on the beach; is

1 that where you're going?

2 MS. SNEIDER: Right. I just had one --

3 JUDGE SMITH: How long do you intend to stay on this
4 line?

E58 5 MS. SNEIDER: That was it.

T59 6 BY MS. SNEIDER:

7 Q Okay, Mr. Bell, there are a number of buildings that
8 were not included in Stone & Webster's list of shelters that
9 are in Hampton and Seabrook beach, public buildings; is that
10 right?

11 A (Bell) Very small number.

12 Q And was the reason for that that they did not -- that
13 those buildings did not appear to have .9 shielding factors?

14 A (Bell) In some case, yes.

15 In some cases, it was because they were closed, and,
16 of course, we have removed buildings that have burned down for
17 the most part, to our knowledge. Those buildings, of course,
18 were not included.

19 Q Okay, you just mentioned removing buildings that had
20 burnt down.

21 What checks did Stone & Webster make to see whether
22 the space indicated on the list actually does exist?

23 A (Bell) I don't understand. Could you rephrase that
24 question, please?

25 Q Well, maybe we should start with the process that

1 Stone & Webster used for identifying space.

2 It's my understanding, and correct me if I'm wrong,
3 that Stone & Webster went to the tax assessor's cards and got
4 information on the available space; is that correct?

5 A (Bell) That's correct.

6 Q Okay. And did you -- what did you do after doing
7 that to make sure that that space was indeed available, or that
8 a building that you identified on that list was still there?

9 A (Bell) We went from looking at the tax assessor's
10 records out into the field to make sure that that building did
11 exist.

12 Q Okay.

13 JUDGE SMITH: I beg your pardon?

14 MS. SNEIDER: I'm going to hand up this form that I
15 would like to have marked for identification.

16 JUDGE SMITH: Do you intend to offer it?

17 Normally we don't want it marked for identification
18 if you don't intend to offer it.

19 MS. SNEIDER: Yes, I do intend to offer it.

20 JUDGE SMITH: All right.

21 MR. LEWALD: Could we see it, Your Honor?

22 MS. SNEIDER: Yes.

23 (Pause.)

24 BY MS. SNEIDER:

25 Q Can you identify this form, Mr. Bell?

1 A (Bell) Yes.

2 A (Callendrello) Is it possible to get another copy of
3 that form?

4 Thank you.

5 MS. SNEIDER: I believe this form should be marked
6 Exhibit 14 for identification.

7 (The document referred to was
8 marked for identification as
9 Massachusetts Attorney General's
10 Exhibit No. 14.)

11 BY MS. SNEIDER:

12 Q And is this a shelter survey form for the Hampton
13 Beach Casino?

14 A (Bell) That's correct.

15 Q And this is the form you filled out in calculating
16 the amount of potential area, shelter area available?

17 A (Bell) It looks like it.

18 Q Okay. Now there is a number of numbers listed
19 besides the item marked structure description. Do you see
20 that?

21 A (Bell) Yes, I do.

22 Q And there's one that's been circled there which says
23 3SFR/B, then 932 per equals 2886. Do you see that?

24 A (Bell) Yes.

25 Q Could you explain what that means, please?

1 A (Bell) That means a three-story, frame building on
2 top of a basement.

3 Q Okay. And then where --

4 A (Bell) And there's 962 square feet per story times
5 three is 2886.

6 Q Okay. And looking down under where it says
7 nonbasement and basement; is that the total nonbasement square
8 footage and the total basement square footage for that
9 building?

10 A (Bell) That is correct.

11 Q And the 962 that's listed there under basement, is
12 that the 962 for the basement?

13 A (Bell) For the basement part. The 2886 is the three
14 stories above that 962 square foot.

15 Q Okay.

16 MS. SNEIDER: I'd also like to have this second
17 exhibit I'm now handing you now marked as Mass. Exhibit 15 for
18 identification.

19 JUDGE SMITH: That's Massachusetts Attorney General
20 Exhibit 15.

21 (The document referred to was
22 marked for identification as
23 Massachusetts Attorney General's
24 Exhibit No. 15.)

25

1 BY MS. SNEIDER:

2 Q Is this a tax assessor's property card, Mr. Bell?

3 A (Bell) Yes. I believe it is.

4 Q And could you identify this as a card that was used
5 in arriving at the figures that we just talked about, the 962
6 basement and three-story frame figures that we just discussed?

7 Did those figures come from your looking at this
8 card?

9 A (Bell) Yes. Plus, I also had a drawing of the
10 entire building which was also part of the tax record.

11 As you can see at the top of the shelter survey form,
12 I put a note to myself to copy the drawing of the building,
13 which I did, which was more than just this one sketch that
14 appears on the tax assessor's record.

15 Q Okay, now if you could turn that over and look at the
16 bottom, the comments, the bottom right-hand corner.

17 MS. SNEIDER: And I would like to explain to
18 everybody else that I have just realized that the comments did
19 not come out on the xerox copies, and I will make new copies at
20 the break so that everybody else can get a complete exhibit.

21 BY MS. SNEIDER:

22 Q And can you tell me what that says there?

23 A (Callendrello) It says 5/31/83, building torn down.

24 Q So I take it that building is no longer there?

25 A (Bell) That's what this indicates.

1 MS. SNEIDER: I'd like to offer those two documents
2 into evidence at this point.

3 JUDGE SMITH: Are there objections?

4 MR. LEWALD: No objection.

5 JUDGE SMITH: Massachusetts Attorney General Exhibits
6 14 and 15 are received into evidence.

7 (The documents referred to,
8 having been previously marked
9 for identification as
10 Massachusetts Attorney General's
11 Exhibit Nos. 14 and 15 were
12 received in evidence.)

13 MS. SNEIDER: Your Honor, could we take a very short
14 break? The remainder of my cross is going to involve showing
15 some slides, and I just wanted to set up the projector and
16 screen.

17 JUDGE SMITH: Let's take our midmorning break now for
18 15 minutes.

19 (Whereupon, a recess was taken.)

20 (Continued on next page.)

21

22

23

24

25

1 MS. SNEIDER: I'd like to have this handout marked
2 Exhibit 16 for identification.

3 JUDGE SMITH: You should give a description of what
4 it is at this point.

5 MS. SNEIDER: Okay. Shelter survey form of
6 Jeanette's Sea Shoppe.

7 JUDGE SMITH: I beg your pardon?

8 MS. SNEIDER: It's called a Shelter survey form, and
9 the name across the top is Jeanette's Sea Shoppe, Philbrick's
10 Convenience Store.

11 (The document referred to was
12 marked for identification as
13 Massachusetts Attorney General's
14 Exhibit No. 16.)

15 THE WITNESS: (Callendrello) Before we start with
16 this form, unfortunately Mr. Oleskey asked that he get our copy
17 of it back, the tax assessor's card, and I don't recall the
18 exhibit number.

19 I just don't want there to be any misimpression on
20 what was reached -- what we stated regarding that card. That
21 card indicated that the space that is over the 962 square foot
22 footprint, which Mr. Bell took credit for as a total gross
23 space of 2,886 feet had been torn down.

24 The shelter survey form, which was the previous
25 exhibit, indicates the shelter survey space for the entire

1 Hampton Beach Casino, which is a total 110,000 square feet, of
2 which -- included in that total is the 2,886 square feet. So
3 it's that small portion of the total space that is represented
4 by the assessor's card as indicated as being torn down.

5 BY MS. SNEIDER:

6 Q Just one minor point of clarification. That's 2,886
7 square feet of frame building, plus 962 square feet of
8 basement; is that right?

9 A (Callendrello) Yes.

10 Q Okay. Mr. Bell, can you identify this survey form
11 I've placed in front of you?

12 A (Bell) Yes, I believe it's one of our shelter survey
13 forms. That's not my writing, but it's the writing of one of
14 the people that helped me with this.

15 Q Okay. And I take it from the title here that it's
16 the shelter survey form for the Jeanette's Sea Shoppe,
17 Philbrick's Convenience Store; is that correct?

18 A (Bell) That's correct.

19 Q And looking at the portion that's circled in the
20 middle of the form on the right side of the page, I believe it
21 says market, two times 2176 equals 4352; and store, two times
22 2136 equals 4272.

23 Do you see that?

24 A (Bell) Yes.

25 Q And is that the calculation for the square footage of

1 the market and the store?

2 A (Bell) That's the calculation of the square footage,
3 gross square footage for the building which we rounded off to
4 8600 square feet, and the net space that we used for this
5 particular building is one-third of that.

6 Q Okay.

7 A (Bell) As available shelter space, potentially
8 available shelter space.

9 Q And what does the two represent in the two times --
10 or two at 2176?

11 A (Bell) Probably two stories. Number of nonbasement
12 stories is two.

13 Q And looking over there to the left under structure
14 description, that says two story with apartments; is that
15 right?

16 A (Bell) Yes.

17 Q Okay, I'd like to hand you now and have marked for
18 identification Mass. Attorney General's Exhibit No. 17, a tax
19 assessor's form for the Jeanette's Sea Shoppe, Philbrick's
20 Store, and this is in two pages.

21 (The document referred to was
22 marked for identification as
23 Massachusetts Attorney General's
24 Exhibit No. 17.)

25

1 BY MS. SNEIDER:

2 Q Mr. Bell, is this the tax assessor's form for the
3 Philbrick's Store?

4 A (Bell) This is the first time I'm seeing this
5 because one of my assistants did this, and we did not copy tax
6 assessor's records. We just copied the information that we
7 felt necessary off of a tax assessor's records on to our
8 worksheet, and the worksheet I have seen. I have not seen
9 these tax assessor's records before.

10 But from what it says on top, it looks like it's the
11 Philbrick's Store tax assessor record.

12 Q And do you see listed under market, the figure 2176
13 square feet?

14 A (Bell) Yes.

15 Q And under retail store, the figure 2136 square feet?

16 A (Bell) Yes.

17 Q And am I right, that's comparable to the 2176 square
18 feet and the 2136 square feet written down on Stone & Webster's
19 shelter survey form?

20 A (Bell) Yes.

21 MR. LEWALD: Do we have that? Were we given that as
22 an exhibit, the shelter form?

23 MS. SNEIDER: Yes, that's the one I handed you.

24 MR. LEWALD: Jeanette's?

25 MS. SNEIDER: Jeanette's Sea Shoppe, Philbrick's

1 Store.

2 BY MS. SNEIDER:

3 Q And looking at the top of the calculator cost form,
4 that says name of building Philbrick's Store, et cetera; is
5 that right?

6 A (Bell) Yes.

7 Q All right, and looking at Line 7 of the calculator
8 cost form where it says number of stories and height per story,
9 what is the number of stories for the market?

10 A (Bell) One.

11 Q And for the retail store?

12 A (Bell) One.

13 Q And would you agree that the second page of that form
14 also says one story for each of those two areas?

15 A (Bell) Yes.

16 Q Mr. Bell, could you identify this building?

17 A (Bell) No.

18 Q Can you tell me how many stories on the left building
19 here?

20 MR. FLYNN: Objection; relevancy.

21 JUDGE SMITH: Overruled.

22 MR. LEWALD: Which building are you talking about,
23 the one on the left or the one on the right?

24 THE WITNESS: (Bell) To me it looks like that slide
25 shows a one-story wing on the left side, and a two-story

1 building attached to it. I'm not sure if it's attached, but it
2 looks like it is, on the right-hand side.

3 MS. SNEIDER: Okay.

4 JUDGE SMITH: I assume you're going to establish that
5 this is indeed the building alluded to in the --

6 MS. SNEIDER: Yes, if I can't establish it through
7 this witness, I will establish it through my own witnesses.

8 MR. DIGNAN: Ms. Sneider, can you represent to me
9 that that is the building?

10 MS. SNEIDER: I will represent to you that that is
11 the building.

12 MR. DIGNAN: I'll stipulate to that.

13 MS. SNEIDER: Thank you.

14 MR. TURK: I'm not sure I understand the stipulation.
15 Is it a two-part building with the second story included in it
16 or not?

17 The witness said he couldn't tell if it was a
18 detached single-story structure, or if that structure was
19 attached to the two-story structure to the right. And I'm not
20 sure what the representation is of counsel.

21 MS. SNEIDER: I'll represent that it's the market and
22 retail store that we're discussing are the building to the left
23 and the building on the first floor to the right, and they are
24 attached.

25 MR. TURK: What's on top of it? What's the second

1 story of the building to the right?

2 MS. SNEIDER: If you look on the calculator cost form
3 and the tax assessor's card, those buildings are apartments.
4 And if you also look at the bottom of the Stone & Webster
5 shelter survey form, it says two story with apartments.

6 BY MS. SNEIDER:

7 Q And just to make this clear, the Stone & Webster did
8 calculate the market and store square footage as having two
9 stories; is that right?

10 A (Bell) No, that calculation was my calculation from
11 this shelter survey form obtained by one of my assistants. I
12 looked at the form, and it said two stories. I multiplied the
13 area by two because I thought it was two stories. And I got
14 8624 square feet for a two-story building with that area as the
15 gross area. And then multiplied that by a third, which is what
16 the little letter "c" next to the 8 in the circled 8600 at the
17 top of the page means.

18 So we took available, potential available shelter
19 space credit for that building as one-third of 8600 square
20 feet. So it would be -- haven't done the math yet, but it's
21 two thousand something.

22 Q Well, the one-third deduction is what you always
23 deduct for a retail store; is that correct?

24 A (Bell) That's correct.

25 Q And that's because of the room taken up inside the

1 store with the items for sale and the counters and storage, et
2 cetera?

3 A (Bell) Yes, these were the numbers given to me by
4 New Hampshire Yankee as availability factors they had
5 determined and asked me to use.

6 Q Okay, and that --

7 A (Callendrello) Just to make sure that that is clear,
8 you asked as a one-third deduction. It is a one-third
9 multiplier which is a little different animal.

10 Q Okay, deducting two-thirds.

11 A (Callendrello) Right.

12 Q Okay, and your total square footage was based on
13 multiplying 2176 by two stories for the market area, and 2136
14 square feet by two stories for the store area, just to be
15 clear.

16 A (Bell) Yes.

17 Q Okay. I'd like to now show you a slide that -- well,
18 I will represent to you as Bev's Deli on Ashworth Avenue, which
19 is a building not included in Stone & Webster's list of
20 potential shelter space.

21 Are you familiar with this building?

22 A (Bell) Not offhand, no.

23 A (Callendrello) What was the name of that again?

24 Q Bev's Deli.

25 A (Callendrello) And what was the address again?

1 Q It's on Ashworth Avenue.

2 A (Bell) What's the street number?

3 Q I don't have that with me.

4 A (Bell) Do you have the tax map and lot number?

5 Q No, we're finished with the tax assessor's cards.

6 A (Bell) I don't recognize this, but I've looked at an
7 awful lot of buildings up there and I can't remember every
8 single one of them.

9 Q Well, that's understandable.

10 Could you indicate to me by looking at this slide why
11 Stone & Webster might not have put this building -- included
12 this building with its list of potential shelters?

13 A (Bell) After I finished my entire list of shelter
14 survey forms, a gentleman from Stone & Webster went with me, or
15 one of my assistants, and looked at every single building, and
16 he did reject a few as being what he considered not meeting the
17 New Hampshire RERP.

18 This could be one of them, but I can't be sure.

19 Q Well, then you would agree, of course, by looking at
20 this slide that it does not appear suitable for sheltering?

21 A (Bell) No, I can't agree to that. That's beyond --
22 I don't evaluate buildings as whether they're meeting the .9 or
23 not.

24 A (Callendrello) I'm having a little trouble seeing
25 the whole building. Is that part that appears white in the

1 photo, is that attached to anything? It doesn't appear to be
2 attached to anything from here, but I can't tell.

3 Q The delicatessen, the retail -- I mean the commercial
4 establishment is the red and white part of the building.

5 A (Callendrello) My question is, is that attached to
6 another building directly behind.

7 Q Yes, it is.

8 A (Callendrello) Okay.

9 Q Well, Dr. Wallace, would you recommend that someone
10 seek shelter in a building such as this.

11 JUDGE HARBOUR: I object to this line of questioning.
12 All of these gentlemen here have said that they don't recognize
13 this building, they don't know what it is, and now you're
14 trying to get them to look at a slide, which is not a very good
15 quality slide, and to make decisions as to whether it would or
16 would not be good as a shelter, and I just don't see how this
17 is evidence.

18 MR. DIGNAN: Could I ask the Board sustain Judge
19 Harbour's objection? I'll adopt it.

20 MS. SNEIDER: If I could respond.

21 JUDGE SMITH: Well, what do you have in mind here?

22 MS. SNEIDER: What I have in mind is to get some
23 understanding of the criteria that the state would use in
24 evaluating what is suitable shelter, what is not suitable
25 shelter, and if this shelter -- just as a representative of

1 building -- if this type of structure would be suitable shelter
2 space.

3 JUDGE SMITH: So this building could be out in Kansas
4 as far as your line of questioning is concerned. It doesn't
5 relate to any issue that we have before us except as a specimen
6 and point which they can address their --

7 MS. SNEIDER: Right.

8 JUDGE SMITH: -- judgment of criteria.

9 MS. SNEIDER: Right.

10 MR. TURK: Your Honor, the problem is it's difficult
11 from this slide, maybe it's the lighting with which the picture
12 was taken, but it's difficult to see if the front area is
13 attached to something.

14 If you're talking about the suitability of the
15 building as a shelter, that would have to consider whether or
16 not the back portions of the building are suitable, not just
17 this part.

18 JUDGE SMITH: We appreciate all that. We see that
19 there are inherent weaknesses in the slide and what is
20 presented here that, although we harbor doubts as to how this
21 line is going to come out, counsel certainly has a right to
22 explain to us what she was trying to do here.

23 MS. SNEIDER: Your Honor, and I do have witnesses
24 that are prepared to come forward and identify these slides at
25 a later point if the witnesses on the panel aren't able to.

1 JUDGE SMITH: Well, are you representing to us that
2 this slide was included in the survey and -- well, no, you just
3 told us that you're not going to compare it with any assessment
4 that was made by Stone & Webster or the tax records.

5 Ultimately, how will you end up with this line? What
6 proposed finding will you think you can make on it?

7 MS. SNEIDER: Well, this is one building in the beach
8 area that people could go to for shelter. People don't know
9 what has been decided as suitable or unsuitable.

10 JUDGE SMITH: I see. This could be a false magnet to
11 people. This could be a magnet to people seeking shelter which
12 you say is not suitable shelter.

13 MS. SNEIDER: And there is two prongs to this. It's
14 also comparable to other buildings that have been included as a
15 list of potential suitable shelters.

16 JUDGE SMITH: This represents them? Could we perhaps
17 have a -- cut this whole thing short and have a stipulation
18 that there are buildings in the beach area which are not
19 suitable for shelter, and that there is some chance that some
20 people may go to those buildings if instructed to shelter?

21 Could that be stipulated?

22 (Continued on next page.)

23

24

25

61 1 MR. LEWALD: Not that broadly, Your Honor. We can
2 stipulate as to a number, and this number is one or two, in the
3 entire half of the beach area that aren't suitable, but we
4 can't do it this broadly.

5 And I am not all sure -- that sure that this
6 particular building that's being displaced is not in the study.

7 JUDGE SMITH: All right.

8 MR. LEWALD: We have such a poor quality slide that
9 if I'm recognizing that building it's the corner of Ashworth
10 and J Street. On the front of it is a delicatessen. Tacked on
11 the back is another house, we're looking at there, and is a
12 picnic bench turned upside down in front of the house that's
13 tacked to the delicatessen.

14 And I am not at all sure that if we have a decent
15 slide that we couldn't recognize that as being a facility in
16 the study.

17 THE WITNESS: (Callendrello) Your Honor, that's why
18 I've asked some of the questions. I suspected that it was one
19 of the buildings that was identified in Mass. AG testimony, and
20 I have looked at those buildings that were identified and
21 remembered, at least one that looked like that, that was
22 attached to a larger building directly behind it.

23 MR. LEWALD: We have a photograph, I think, of that
24 very building.

25 JUDGE SMITH: I think we could probably take a lot

1 of, lots and lots of time taking these buildings one at a time
2 and arguing about whether it's suitable for shelter and whether
3 or not people might be drawn to it for shelter. And it's an
4 area where apparently the candidate shelters are known by the
5 parties. It seems to me it could be stipulated.

6 MR. LEWALD: We'd be glad to attempt that, Your
7 Honor. Mr. MacDonald, on the panel, a health physicist has,
8 after the Stone & Webster survey, has combed this entire area,
9 looked at all of the buildings, both the residential and the
10 commercial buildings and we'd be glad to stipulate as to those
11 one or two that aren't suitable for shelter, at any shielding
12 level. If that would be helpful to you.

13 MS. SNEIDER: Well, I'm not prepared to stipulate
14 that there's one or two buildings of this quality in the beach
15 area.

16 (Board conferring)

17 JUDGE SMITH: Can you identify this building?

18 THE WITNESS: (Callendrello) I believe it's 136
19 Ashworth, if it's the building I'm thinking of.

20 JUDGE SMITH: Well, can you find out? I mean, is it
21 in that folder of building photographs?

22 THE WITNESS: (Callendrello) It was identified --

23 MR. DIGNAN: Can we find out if the Attorney General
24 agrees with what Mr. Lewald said, this is a shot at the corner
25 of, I believe, it was Ashworth and J? That would go a long way

1 towards whether we've got the right building. We're guessing
2 and we're guessing because the slide is a lousy slide.

3 JUDGE SMITH: Let me point out to the Massachusetts
4 Attorney General, you've got a big problem here. See, you've
5 got a poor quality slide. You don't get anybody to identify
6 it. So the ball is in your court to move forward with
7 something reasonable, otherwise we're just going to cut you
8 off.

9 MS. SNEIDER: Your Honor, I'll continue to the next
10 slide. And, Your Honor, I apologize, I believe it's the
11 lighting in the projection that -- it's not the quality of the
12 slides, it's the viewing conditions in the room.

13 JUDGE SMITH: Well, I didn't mean to cast any
14 aspersions of the photographer. It's exactly typical of most
15 of the slides in my collection.

16 (Laughter)

17 JUDGE SMITH: Except there's a little kid standing in
18 the front of them.

19 (Laughter)

20 MS. SNEIDER: I have viewed them in a -- I just want
21 to say, I have viewed them in a darker room and it was much
22 easier to see them and I apologize.

23 I can't identify the exact address. This is another
24 building on Ashworth Avenue that I've been assured is not
25 included in the study.

1 BY MS. SNEIDER:

2 Q My question would be, is that, because of the great
3 amount of glass in the front of the building --

4 A (Bell) I don't know.

5 MR. FLYNN: Did the witness agree that that is not
6 one of the buildings in the survey?

7 THE WITNESS: (Bell) No, I don't agree to that; I'm
8 not sure whether it is or it isn't because I don't know what it
9 is.

10 JUDGE SMITH: As I understand, the issue has boiled
11 down to this, this slide and the one before it is being
12 offered --

13 MS. SNEIDER: Your Honor --

14 JUDGE SMITH: -- this slide and the one -- well, let
15 me -- I was waiting for Mr. Traficonte who was advising you.
16 This slide and the one before it is being offered for the
17 proposition that these are representative of buildings that are
18 not suitable for shelter, but that persons unsophisticated in
19 what sheltering should be would be attracted to them;
20 therefore, they would not be afforded the sheltering
21 anticipated. Now --

22 MS. SNEIDER: There's a second prong to that also,
23 and that is, that these are comparable to buildings which I
24 intend to get into as soon -- after this slide, which are on
25 the list of potential shelters.

1 JUDGE SMITH: All right, can we --

2 MS. SNEIDER: And I'm trying to get the distinction
3 why some buildings were excluded and some buildings were
4 included, and what the criteria was.

5 JUDGE SMITH: Okay. But can we move on and come up
6 with some quantity suggested by Mr. Lewald or to be produced by
7 the witness that there are indeed a certain number, and I
8 understand from Mr. Lewald that they believe it's a very small
9 number of buildings that were identified in the beach area and
10 rejected as potential for sheltering; and then move on to your
11 next point.

12 MS. SNEIDER: Well, I --

13 JUDGE SMITH: You came up with two apparently or a
14 few. didn't you? I mean --

15 MS. SNEIDER: Well, we just -- I mean, we -- we're
16 only trying to show examples, I think, through my own
17 witnesses. I mean, we get much more into the numbers. The
18 slide show is only meant to be representative of the few
19 examples.

20 JUDGE SMITH: Representative of a larger group --

21 MS. SNEIDER: No, I don't think that they're a great
22 deal of buildings that were rejected by Stone & Webster. I
23 think there are a large number of buildings that are comparable
24 to this building in the beach area that are included on the
25 list.

1 JUDGE SMITH: I don't think that you have a situation
2 where sampling type of evidence is likely to be probative,
3 because of the unique characteristics of buildings of this
4 nature, you know, each one is built -- added on to, some of
5 them are old. I don't think sampling -- I don't think you're
6 going to have reliable sampling type of evidence.

7 MS. SNEIDER: Well, our own witnesses have done the
8 exhaustive study. They've looked at virtually every building
9 listed in the beach area. And I think our own direct testimony
10 speaks to that.

11 JUDGE SMITH: All right.

12 MS. SNEIDER: I'm trying to get some indication now
13 from the state what criteria they will use in selecting
14 shelters, whether they think it would be advisable for people
15 to shelter in these buildings. And that really is the purpose
16 of this line of cross-examination.

17 MR. LEWALD: Your Honor, we would be glad to try and
18 enter into a stipulation, but something like this we can't
19 stipulate to. The photography, obviously, in a silhouette form
20 like this is not designed to show what's there; designed to
21 hide what's there. And if you're trying to take a picture of a
22 building you don't do it in silhouette form.

23 And we just can't use the slide, no one knows where
24 it is.

25 MS. SNEIDER: Your Honor, there was no intention at

1 all to hide what's in this slide.

2 JUDGE SMITH: No, that's not the point. It's just
3 that we don't see, looking down the road to your approach as it
4 stands right now, we don't see anything reliable, probative,
5 and substantial evidence coming out the other end as you stand
6 here right now. But go ahead. Well, take more time on that
7 item.

8 BY MS. SNEIDER:

9 Q Mr. Bell, can I just ask you how many buildings or
10 what percentage of the buildings in your original survey you
11 did exclude in your final list of shelters?

12 MR. LEWALD: Point of clarification here, original
13 survey, are you referring -- I assume you're referring to the
14 March 1986 --

15 MS. SNEIDER: Well, his comprehensive survey of all
16 potential shelter space. I think the witness testified that
17 they went and got tax assessor's cards for every building in
18 the beach area, and then they excluded some as being unsuitable
19 for shelter.

20 THE WITNESS: (Bell) What study are you referring to
21 when you say, original study?

22 BY MS. SNEIDER:

23 Q I'm referring to your more recent study, Revision 1
24 of the Stone & Webster study?

25 A (Bell) Okay. Now, what are you asking about the

1 Revision 1, August '87 Stone & Webster study, please?

2 Q I believe it's your testimony that you compiled the
3 list of all the potential shelters in the beach area, and that
4 a few of those buildings or some number of those buildings you
5 did exclude from your final list of potential shelters because
6 those buildings did not meet the criteria for sheltering
7 established in that study; is that right?

8 A (Bell) I did not exclude them; another person with
9 the qualifications to make a better judgment excluded them.
10 And the number is in the range of, perhaps, 10 to 20 in the
11 entire coastline from Plum Island up to Rye.

12 Q Okay.

13 A (Bell) Incidentally, besides the tax assessor's
14 records there are buildings there that, either the tax
15 assessor's record was unavailable because someone was using it
16 and it wasn't in the file, and in the field study we found the
17 building. In some cases we had to estimate the dimensions
18 rather than use tax assessors. So when you said earlier, you
19 took only the tax assessor's record, I just want to make that
20 clear that we didn't eliminate buildings because they weren't
21 on the tax assessor's records.

22 Q Dr. Wallace, do you think it would be advisable for
23 people to shelter in buildings with predominantly -- in which a
24 large portion of the walls are glass?

25 A (Wallace) Well, looking at the slide on this one

1 there's no way I can tell the size of the building or anything
2 about the building other than the front looks like it's glass.

3 In general, more protection is achieved by being
4 farther away from the glass, glass portions. There's no way
5 you can tell this from that at all.

6 And in the final analysis, ideally you would not have
7 somebody in the front of the glass portion, but if that's all
8 you had that's what you'd use.

9 Q Okay. Is this slide a little clearer?

10 MR. DIGNAN: How much of the buildings are cut off?

11 MS. SNEIDER: Approximately a third.

12 BY MS. SNEIDER:

13 Q Do you recognize this building as Mac's Clam Bar in
14 Seabrook Beach?

15 A (Bell) No.

16 Q Dr. Wallace, -- no, Mr. Bell, Mac's Clam Bar in
17 Seabrook Beach is included in Stone & Webster's list of
18 potential shelters; is that correct?

19 A (Bell) That's correct.

20 Q Does anybody on the panel recognize this building as
21 Mac's Clam Bar in Seabrook Beach?

22 A (Callendrello) I don't. I don't see anybody else on
23 the panel who's saying they recognize it.

24 A (MacDonald) I know where Mac's Clam Bar is, but I
25 have never seen it from that angle, so I can't say that that's

1 it.

2 JUDGE SMITH: Is it Mac's Clam Bar?

3 MS. SNEIDER: I can represent and I can have my own
4 witnesses identify that.

5 JUDGE SMITH: Well, if you know that it's Mac's Clam
6 Bar.

7 THE WITNESS: (Bell) Is that sign centered in the
8 side of that building?

9 MS. SNEIDER: The sign is over a takeout counter
10 which is on the left side of the building.

11 JUDGE SMITH: Well, let's go ahead and assume that
12 it's Mac's Clam Bar.

13 MS. SNEIDER: Okay.

14 MR. DIGNAN: Well, it's two-thirds of Mac's Clam Bar.
15 And boy, would I like to know what the side of the back third
16 looks like, if there is a back third.

17 MS. SNEIDER: That one-third is takeout counter and
18 kitchen, I'm willing to represent.

19 MR. DIGNAN: Just as much glass? Excuse me, Ms.
20 Sneider, and just as much glass on that back third?

21 MS. SNEIDER: No, I don't think so. On the front
22 side of the building there's just as much glass, not on the
23 back side of the building in the kitchen area.

24 MR. DIGNAN: Well, that's cut off, isn't it. Isn't
25 that the front I'm looking at? The side or what?

1 MS. SNEIDER: I don't understand.

2 MR. DIGNAN: What I'm talking about is, one witness
3 has already answered on this record that he couldn't answer
4 your questions because all he could tell was there was glass in
5 the front and he couldn't tell how deep the building was.

6 Now, you put a slide up there and already told us
7 one-third of the building is cut off. Now, the building is
8 obviously surrounded in glass on three sides, on what I gather
9 is the front.

10 Now, what I want to know is: what's on the back, if
11 we're going to start questions about whether that's a suitable
12 building? Or otherwise, Your Honor, I'm going to object on the
13 grounds that the photograph is not a fair representation in
14 these circumstances where we're apparently going to talk about
15 suitability for shelter.

16 MS. SNEIDER: What amount of shelter space or
17 potential shelter space or available shelter space was
18 calculated from the total square footage which includes this
19 part of this building.

20 JUDGE SMITH: Do you have Mac's Clam Bar records
21 there which would support that? Do you have a support for the
22 fact that this building, that credit was taken for the entire
23 floor area?

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24 (Continued on next page.)

25

1 MS. SNEIDER: I'm not sure that credit was taken for
2 completely the entire floor area. Part of my contention is
3 people on the beach area don't know what portion of the floor
4 area Stone & Webster took credit for. When they're instructed
5 to go indoors, they are going indoors no matter what Stone &
6 Webster has listed.

7 JUDGE SMITH: All right. When they get in there,
8 what are they going to do?

9 MS. SNEIDER: And I'm asking if this would be a
10 suitable place for them to go in doors.

11 Now the part that's in this photograph is the dining
12 area and the porch attached. It's my understanding the porch
13 attached was not included as space, but that there is no
14 division in the interior from the porch to the dining area;
15 that it's free flowing between the porch and the dining -- it's
16 not closed off inside.

17 If it would help, I have a photograph that shows a
18 little more of the building.

19 BY MS. SNEIDER:

20 Q Dr. Wallace, do you think it would be advisable for
21 people to shelter in this portion of the building that we can
22 see here?

23 JUDGE SMITH: Would your answer be the same as to
24 any --

25 THE WITNESS: (Wallace) My answer is essentially the

1 same as to the previous question.

2 JUDGE SMITH: Does that satisfy you?

3 MS. SNEIDER: Yes.

4 JUDGE SMITH: Ditto? Same question, same answer?

5 We're looking at a small building with a lot of glass
6 in the front of it. What's it called?

7 MS. SNEIDER: Pace Video and Laundromat. I think
8 it's the Scrub-a-Dub Lau-dromat which is included as a
9 potential shelter in Hampton Beach.

10 JUDGE SMITH: And it could be a decontamination right
11 there.

12 (Laughter.)

13 JUDGE SMITH: Were you going to ask the same
14 question, same answer?

15 MS. SNEIDER: Well, one more question.

16 JUDGE SMITH: All right.

17 BY MS. SNEIDER:

18 Q If you turn to the shelter survey form -- I mean, not
19 the -- Stone & Webster shelter survey, Dr. Bell, I believe it
20 indicates there's 1200 square feet there which reduced by
21 two-thirds would leave 400 square feet, which would then by
22 your calculations provide shelter for 40 people; is that
23 correct?

24 A (Callendrello) Where is that in the Stone & Webster
25 study?

1 I think I've got it. Is that 703 Ocean Boulevard?

2 Q It's the Scrub-a-Dub.

3 A (Callendrello) Oh, there it is; we've got it. 536
4 High Street. I've got it.

5 The number of that's in Table 4 of our Exhibit 2,
6 Page 15 of 16. It's 1200 square feet which, of course, is the
7 gross area, and that would be reduced by the availability
8 factor which in this case -- Mr. Bell would have to answer what
9 the availability factor was that we have seen.

10 A (Bell) Well, if it indeed as you say, availability
11 factor of one-third, then that would be 400 square feet
12 potential shelter space. You divide by 10 square feet per
13 person. That would be 40 people.

14 I can't tell by looking at that building whether 40
15 people could be in there and reasonably away from the glass or
16 not.

17 Q Well, I guess that was exactly what my question would
18 be. Do you think 40 people could fit in there and not be
19 standing right up next to that glass?

20 A (Bell) I can't tell by looking at that photo.

21 Q You did recognize that that might be a problem from
22 looking at that photo?

23 MR. LEWALD: Objection.

24 THE WITNESS: (Bell) Not with my part of the study.

25 JUDGE SMITH: What's the basis of your objection?

1 MR. LEWALD: The question was do you recognize that
2 that might be a problem looking at that photo. I submit that
3 that has no relevancy to anything in the record. That that
4 might be a problem looking at that photo.

5 JUDGE SMITH: Is there any exhibit --

6 MR. LEWALD: That photo isn't even a fair
7 representation of the building according to the witnesses.

8 BY MS. SNEIDER:

9 Q Do you think that's a fair representation of the
10 Scrub-a-Dub Laundry, Pace Video building?

11 A (Bell) It doesn't show me the depth of the building
12 there, so I can't evaluate it.

13 And as I said. I looked at tax assessor records and
14 looked at the buildings and applied availability factors. The
15 other person from Stone & Webster looked at those buildings and
16 evaluated whether or not that available shelter space was
17 reasonable. So I can't judge that, especially from this photo.

18 MR. TUFK: Your Honor, one thing I would note from my
19 perspective across the room from the photo in terms of depth,
20 there's an automobile in the foreground of the slide which
21 appears to be a compact, intermediate-sized, which I presume is
22 something like 10 feet long.

23 If I'm correct, and the scale looks to be like the
24 front of the building is approximately three intermediate car
25 lengths, approximately 30 feet.

1 If the tax assessor's right that it's 1200 feet
2 square, that means it's 40 feet deep. This picture doesn't
3 show you anything of that depth.

4 MS. SNEIDER: Your Honor, I can get the tax
5 assessor's card.

6 JUDGE SMITH: I just don't want to go that way. You
7 know, looking at this picture I would say there are aspects of
8 that building, because of the large glass front, unusually
9 large in my normal experience as to a typical building, that
10 might bring into question whether the 40 people could fit in.

11 I would also imagine that somewhere in those shelters
12 are other buildings in which the 10 square feet would be very
13 conservative. I don't know. I just don't think we ought to
14 have a big litigation on particular buildings.

15 MS. SNEIDER: Okay.

16 JUDGE SMITH: And I think we've spent a fair amount
17 of time on this, and I think that the Board is straining its
18 patience.

19 MS. SNEIDER: Why don't we go to the next one.

20 JUDGE SMITH: Another glass building, right? Same
21 thing, same --

22 MR. DIGNAN: How much of this again?

23 JUDGE SMITH: Are you going to have any slides there
24 that show buildings with little, tiny windows?

25 MS. SNEIDER: There's not a whole lot of them in the

1 beach area. It's a summer resort area that tends -- on the
2 ocean that tends to lots of glass and open areas.

3 JUDGE SMITH: All right. So this is where you're
4 going. Let's find out where you're going.

5 Are you saying then that a basic fallacy in the study
6 is that the buildings tend to have large, glass areas? Is
7 that --

8 MS. SNEIDER: And large areas, large amount of areas
9 open to the -- directly open to the outdoors.

10 JUDGE SMITH: Okay, and you're going to do it by
11 showing individual slides? Are you going to quantify it any
12 other way, any more structured way?

13 MS. SNEIDER: Yes, I have other ways to quantify it,
14 and I want to -- I'm interested in getting the state's
15 evaluation of whether these buildings would be suitable for
16 shelter.

17 JUDGE SMITH: Okay, what do we see on this one now?

18 We see a lot of glass around the perimeter of the
19 building. That's a one-story building. And this one we see is
20 up on piles. Does that have anything to do with --

21 BY MS. SNEIDER:

22 Q Yes, I wanted to ask Dr. Wallace if the fact that
23 water comes underneath this building --

24 MR. EWALD: Your Honor, could we allow Mr.
25 MacDonald, who is the health physicist, to come around so he

1 can look at these pictures? He's sitting behind the screen.

2 JUDGE SMITH: Whatever he wishes.

3 BY MS. SNEIDER:

4 Q Can anyone on the panel, to begin with, identify this
5 building?

6 A (Callendrello) That's Brown's Lobster Fad on Route
7 286 in Seabrook.

8 Q Okay.

9 A (Callendrello) As my colleague indicated, it is a
10 portion of it, at least I don't see portions that include, for
11 example, the kitchen, takeout area.

12 Q Excuse me, I can't hear you.

13 A (Callendrello) It doesn't include portions that I'm
14 familiar with, and that is the kitchen and takeout area.

15 JUDGE SMITH: Well, as I look at it, I disagree with
16 you this time. To the extent that a two-dimensional photograph
17 can capture any three-dimensional, it's complete, because I
18 think that it's a complete -- of the face of the building that
19 is showing, the two faces of the building that is showing.

20 THE WITNESS: (Callendrello) Well, what I'm saying,
21 if you look at it from the other end, you can see the kitchen.

22 MS. SNEIDER: We did have that first one.

23 THE WITNESS: (Bell) As I remember this building,
24 that end of it is a dining area; probably has picnic benches
25 inside. I can't be sure. But I think those are screens.

1 MS. SNEIDER: Yes.

2 THE WITNESS: (Bell) And we did not include that
3 space as potential shelter space; only the solid building at
4 the other end, which you can see the very tip of the roof of,
5 was included as potential shelter space for that facility.

6 BY MS. SNEIDER:

7 Q Now, as you remember that building, is there any --
8 is the interior space closed off in any way from the screened
9 in portion of the building?

10 A (Bell) I did not go inside the building, so I can't
11 answer that.

12 Q And are the people in the beach area going to know
13 that there is only certain portions of the building they're
14 supposed to go into as opposed to other portions of the
15 building?

16 Could you answer that, anyone from the state?

17 A (Bonds) There are no EBS messages yet in place
18 dealing with sheltering of the beach population. So there is
19 no answer to that question.

20 Q Now I have a question regarding the fact that this
21 building is on stilts.

22 If there is a release of radiation involving
23 particulate release of radiation with deposition of particles
24 on the ground, wouldn't you get more exposure from ground shine
25 as a result of this building being on stilts?

1 A (MacDonald) Well, what you have got to do is get
2 the radioactive material in the particulate form underneath the
3 building.

4 Are you postulating that as well?

5 Q Excuse me?

6 A (MacDonald) Are you postulating that we get the
7 radioactive material underneath the building?

8 Q I'm not postulating where it would go except on the
9 ground.

10 MR. FLYNN: Your Honor, I suggest that the question
11 is irrelevant. If the building is not included in the survey
12 as potential shelter, then the additional fact that there
13 might --

14 MS. SNEIDER: The building is in the survey.

15 MR. FLYNN: Well, the portion that's on stilts isn't.

16 JUDGE SMITH: Well, the building -- the part that is
17 not a porch is included, as I understand it.

18 But withholding the postulation, are you able to
19 answer the question since she would not postulate anything
20 particular about a particular matter under the building?

21 MR. LEWALD: Your Honor, could we hear the question
22 again? I don't think the witness understood really what the
23 question was.

24 JUDGE SMITH: I thought he did quite well, but let's
25 have it back.

1 MR. LEWALD: Well, we was doing quite well as to what
2 the question might have been, but I'm not sure he was doing all
3 that well with what the question actually was, because he was
4 asking whether she was postulating things in the question which
5 he didn't --

6 JUDGE SMITH: Yes, he needed a postulation before the
7 question made sense to him, and she declined to make such a
8 postulation. Therefore, the question is back to him without
9 the postulation.

10 MR. LEWALD: And it's this question that I would like
11 to have put again to the witness. I'm not sure he now
12 understands it.

13 JUDGE SMITH: All right.

14 MR. LEWALD: I don't think I understand it now.

15 JUDGE SMITH: Let me make a crack at the question as
16 it remains.

17 You will note that this building, she says, is up on
18 stilts, piles.

19 THE WITNESS: (MacDonald) Correct.

20 JUDGE SMITH: Does this give you a problem then if
21 people seek that for shelter for ground shine?

22 And you say, oh, it only depends whether you
23 postulate particulate matter under the building.

24 And then she says, I decline to postulate that.

25 THE WITNESS: (MacDonald) Therefore, I can't answer.

1 JUDGE SMITH: All right.

2 JUDGE LINENBERGER: If I may make an observation, it
3 would appear that the floor elevation of the building is closer
4 to the ground at one end than it is at the other. So that that
5 makes it even more difficult to assess a meaningful answer to
6 counsel's question as far as I can see.

7 THE WITNESS: (MacDonald) Another complicating
8 feature of that particular building if the tide comes in.

9 MS. SNEIDER: Okay.

10 BY MS. SNEIDER:

11 Q Well, might iodine deposit more easily on damp
12 surfaces?

13 MR. TURK: Could I hear that again?

14 THE WITNESS: (MacDonald) Could iodine deposit more
15 easily on damp surfaces?

16 Deposition of iodine is going to be a function of the
17 form that the iodine is in the cloud, and the meteorological
18 conditions; whether there is precipitation in the cloud area or
19 not. And deposition on a surface, to my knowledge, doesn't
20 matter -- what comes out of the sky -- doesn't matter whether
21 the surface is wet or dry.

22 BY MS. SNEIDER:

23 Q Are you able to identify these cottages as the Helm
24 cottages?

25 A (Bell) No.

1 Q Well, assume as -- I'd like to just represent to you
2 that according to the Stone & Webster survey calculation of
3 shelter space that 14 people could potentially shelter in each
4 one of these cottages.

5 And my question for the state is --

6 A (Callendrello) Could you just please give me the
7 reference for that?

8 Q It's the Helm cottages.

9 A (Callendrello) And in what town is that? I'm sorry.

10 Q It's in Hampton. And that includes four cottages and
11 a main building.

12 MR. LEWALD: Could we have the address of this
13 building, where it is? These representations as to what the
14 building may or may not be able --

15 MS. SNEIDER: 13 G Street.

16 MR. LEWALD: -- are meaningless unless we know what
17 we're talking about by way of the structure.

18 MS. SNEIDER: Excuse me. It's on 13 G Street, in
19 Hampton.

20 MR. LEWALD: And looking at what part of the
21 building, the front or the back, or is that two buildings --

22 MS. SNEIDER: We're looking at the front of two of
23 the four cottages that are part of that building. And it's No.
24 116 on the Stone & Webster survey list.

25

1 BY MS. SNEIDER:

2 Q And my question for the state is, do you think the
3 owner of these cottages is likely to go outdoors in a release
4 to let the 14 people into each of these cottages?

5 A (Wallace) I have no idea.

6 JUDGE SMITH: If he does, he'd better not charge
7 them.

8 (Laughter)

9 BY MS. SNEIDER:

10 Q Now showing you a series of slides which you may
11 recognize as the Hampton Beach fire station garage which is
12 listed as a potential shelter on the Stone & Webster shelter
13 survey form.

14 And does anyone on the panel recognize this building?

15 A (Callendrello) I don't, no.

16 A (Bell) No.

17 MR. TURK: That's an interior shot, isn't it? It's
18 hard to tell from where I am.

19 JUDGE SMITH: That's an interior shot with a large
20 truck blocking the open, the large garage door, isn't it?

21 MS. SNEIDER: Yes, and the first shot was the shot of
22 the door, if you want to go back.

23 JUDGE SMITH: That's the door closed.

24 MS. SNEIDER: Right.

25 THE WITNESS: (Callendrello) Is there another door

1 on the other side? Is that what I'm seeing, one side of the
2 door, or one door of a two-door opening?

3 MS. SNEIDER: This is the front door to the building.

4 THE WITNESS: (Bell) Is that the truck parked square
5 in front of it?

6 THE WITNESS: (MacDonald) Is this front door to the
7 Hampton Beach precinct fire station? Is that what you're
8 saying?

9 MS. SNEIDER: The garage which is the area of the
10 fire station that's listed as potential shelter space.

11 THE WITNESS: (MacDonald) Fire station garage, not
12 the fire station.

13 MS. SNEIDER: No, it's the fire station garage that's
14 on the list.

15 JUDGE SMITH: So we're looking at a door here that is
16 ill-fitting and there is perhaps a six-inch crack at the bottom
17 and an inch or so where it doesn't meet and an inch or so at
18 the top where the doors don't come up all the way to the top.
19 It's a loose-fitting door.

20 MS. SNEIDER: I want to go on to the next one.

21 MR. TURK: Your Honor, I would note that there is no
22 way we can tell from this picture whether that door is in its
23 fully closed position. That simply happened to be the
24 condition when the photograph was taken.

25 JUDGE SMITH: Well, you always go back to that. I

1 thought that's pretty obvious that this is a door that
2 doesn't --

3 MR. TURK: My point is at the bottom of the door
4 where Your Honor noted a six-inch, or approximately a six-inch
5 gap, we don't know whether the door has been lowered to its
6 complete down position.

7 JUDGE SMITH: That slides horizontally and meets, I
8 think.

9 MS. WEISS: I assume that's something that the NRC
10 staff will investigate.

11 MR. TURK: Ellyn, I'll take you with me. We'll go
12 out this week and take a look.

13 MS. WEISS: Would you investigate that, because we
14 want to check this shelter study out. You're checking this
15 out, right?

16 JUDGE SMITH: Well, why are you showing this door?

17 MS. SNEIDER: Okay, and -- why don't we go on to the
18 third one.

19 BY MS. SNEIDER:

20 Q Would you agree that the slide indicates other areas,
21 aside from that door, that are not tight to the outdoors with
22 the lights coming in the building?

23 A (Callendrello) Are you talking about where the roof
24 line meets the masonry wall?

25 Q Where the roof line meets the walls.

1 A (Callendrello) I can see light coming through
2 there, yes.

3 Q And going on to the next slide, it's the exterior of
4 the building. I believe you can see where windows aren't in
5 place?

6 A (Callendrello) All I can see is that there is a
7 window open. I don't know if the window is missing or if it's
8 simply opened. But there is an open space at the top of that
9 double window.

10 Q Okay. Dr. Wallace, my question for the state is, do
11 you think it would be advisable -- suitable shelter that this
12 building with its opening to the outdoors would provide
13 suitable shelter in a radiological emergency?

14 A (Wallace) Certainly large portions of it would as I
15 look at it as represented by the pictures. I would certainly
16 need to consult with my health physicist people, but a lot of
17 the area that you showed in there would be suitable shelter.

18 Q So the fact that air could come in quite easily from
19 the outside wouldn't affect its suitability as a shelter?

20 (Continued on next page.)

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1 JUDGE SMITH: I assume by suitability, which you're
2 talking about here, is whether to afford dose reductions; is
3 that how you understand the question?

4 MS. SNEIDER: Well, mine is whether it would afford
5 adequate protection, and whether it meet the .9 criteria.

6 MR. BISBEE: Could I -- she referred to two different
7 standards, adequate and whether it meets the .9 DRF. Is
8 that -- is it the latter point that we're addressing now?

9 MS. SNEIDER: Well, there's also another point. As I
10 understand it the state has assigned a factor of two-air-
11 exchange rates -- two-air-exchanges per hour in calculating
12 thyroid dose, and does it also meet that criteria of buildings
13 or are these openings to the outdoors.

14 MR. BISBEE: Again to clarify it, are we first asking
15 whether it meets the .9 dose reduction factor standard; and
16 then asking whether the two-air-exchange standard is also met
17 here?

18 MS. SNEIDER: If that's Dr. Wallace's definition of
19 suitable.

20 BY MS. SNEIDER:

21 Q In your opinion, would it meet that .9 dose reduction
22 factor criteria?

23 A (Wallace) What you showed me in the picture, yes, it
24 would certainly meet the .9.

25 Q And what about the two-air-exchanges per hour?

1 A (Wallace) If I could ask Mr. MacDonald to deal with
2 that part of it.

3 A (MacDonald) We have to deal with the idea of
4 bringing outside air into the building in order for there to be
5 a concern internal in the building to any people that are in
6 there at the time. And from these openings and the openings on
7 the doors on the other slides that you showed, they're not
8 large enough without a driving force of concern. They're not
9 large enough to threaten that two-air-exchanges per hour, for
10 example.

11 So that even from an internal exposure standpoint,
12 even though there's an opening here I assume that's a window
13 that could be closed, and those door openings that were ill-
14 fitting there's no driving force, especially in the summer, for
15 air to go from the outside to the inside of the building.

16 So I don't have a sense that there's a large air
17 exchange rate.

18 Q Excuse me. If you assume that the window cannot be
19 closed, would that change what you just told me?

20 A (MacDonald) Even with that wide open window there,
21 what I assume is either the back or the side of the building,
22 and we saw from the other slides that its a very large
23 building, so we're not dealing with people that are standing
24 next to that window, then we have to have a driving force.
25 There has to be a delta something, delta pressure in order for

1 air to be forced inside that window from the outside.

2 In the winter with the heating system which that
3 building didn't look like it had a heating system, of course,
4 we're dealing with a summer situation, so a heating system even
5 if it had one in that building wouldn't be on. We're not
6 drawing -- you're not deliberately drawing outside air in
7 through any opening including that window.

8 Q Okay. Now, if you're allotting 10 square feet per
9 person there would be some people standing next to the windows
10 or the door, isn't that the case?

11 A (MacDonald) I don't know how the calculations ended
12 up for this building on the list.

13 A (Callendrello) We'll check that. There was, of
14 course, an availability factor applied to the gross square
15 footage to come up with available square footage. If you can
16 just hold on one second we'll get that number.

17 Yes, it was a 50 percent availability, so the Stone &
18 Webster shelter study indicated potential shelter space of --

19 A (Bell) We took off 80 percent first, and then we
20 took half of that. We took off 80 percent of the building and
21 then took half of that.

22 A (Callendrello) We used 80 percent.

23 A (Bell) So we essentially used 40 percent of the
24 total floor space in that building.

25 A (Callendrello) We used, of the gross --

1 MR. LEWALD: What's the question, I don't know that
2 there is a question.

3 JUDGE SMITH: I don't know with this chatting going
4 on.

5 BY MS. SNEIDER:

6 Q The question was, whether people using 10 square feet
7 per person, wouldn't it be likely that people would be standing
8 next to the windows or the garage door?

9 A (Callendrello) I would say that the answer is, no.

10 JUDGE SMITH: And that's because of the small amount
11 of credit taken for the total floor space?

12 THE WITNESS: (Callendrello) Yes. Looking at a
13 straight square footage chance; yes.

14 BY MS. SNEIDER:

15 Q Excuse me, it appears that you reduce the space by 20
16 percent, leaving 80 percent of the -- you counted 80 percent of
17 the square footage?

18 A (Bell) And then took half of that. So it's only
19 40 -- the availability factor is one-half.

20 Q Okay.

21 A (Bell) So we took one-half of the 80 percent which
22 is 40 percent of the total space of the building.

23 JUDGE SMITH: And you gave every person 10 square
24 feet?

25 THE WITNESS: (Bell) Of that 40 percent, yes.

1 BY MS. SNEIDER:

2 Q And the space is reduced because of the large amount
3 of stored items in the building; is that correct?

4 A (Bell) That's what the availability factor was
5 intended to take care of, yes.

6 Q Does anybody on the panel recognize this building as
7 one of the cottages called the McNeil Cottages -- O'Neill
8 Cottages on Gooken Court in Hampton?

9 A (Bell) No.

10 Q I'd like to point out the louver window on the right
11 and then we have a closeup of another louver window on this
12 cottage. And I'd like to know, Mr. Bell, are you aware of the
13 prevalence of these louver windows in the beach area?

14 A (Bell) No, I'm not aware of the prevalence of those
15 windows in the beach area.

16 MR. DIGNAN: Did the witnesses confirm that they
17 recognized this?

18 THE WITNESS: (Bell) No.

19 MR. DIGNAN: They don't. Are you representing that
20 this building is on Gooken Court?

21 MS. SNEIDER: And it's called O'Neil Cottages which
22 is -- and that it's -- and that the O'Neil Cottages on Gooken
23 Court are some of the potential shelters on the Stone & Webster
24 shelter survey form.

25 MR. DIGNAN: And Gooken Court exists?

1 MS. SNEIDER: Yes.

2 MR. DIGNAN: The witnesses haven't testified it
3 doesn't.

4 BY MS. SNEIDER:

5 Q Dr. Wallace, do you think windows of this sort would
6 affect the air exchange rate in a small cottage?

7 MR. LEWALD: I'm going to object to that question.
8 If this representation is that that photograph is showing a
9 window, then I've got a bad angle.

10 MS. SNEIDER: We first showed the window face on, and
11 this was the best way we could see to photograph this window to
12 show the difficulty in closing this type of window.

13 JUDGE SMITH: Where she's going now -- what was the
14 answer to the question, after recognizing that this is a louver
15 window -- does the witness recognize the prevalence of this
16 type of window in the beach area, and what was the answer to
17 that, that's when we got an interruption?

18 MS. SNEIDER: No, this witness doesn't. I believe
19 there is other testimony coming in that does speak to that.

20 JUDGE SMITH: Okay. Then the question is -- where
21 you're going then is, if this is the case the exchange rate is
22 going to be underestimated, is that --

23 MS. SNEIDER: Yes. Well, there's testimony from the
24 state that says, virtually any building in the beach area would
25 have an air exchange rate of two per hour, something to that

1 effect. And I want to ask the witness' opinion as to whether
2 -- assuming this type of windows in small cottages, would that
3 have any impact on the air exchange rate.

4 THE WITNESS: (MacDonald) Well, the first impact on
5 an air exchange rate with a window like this is, close it to
6 eliminate --

7 BY MS. SNEIDER:

8 Q This is in the middle of the winter, this is as much
9 as this window can be closed?

10 A (MacDonald) All right. So you're representing
11 that's a permanent fixture like that. Okay. Now, in a summer
12 situation that cottage is very hot. So there is -- they would
13 love air to come from the outside because it's going to be
14 cooler to cool that cottage off, but what happens on a hot
15 summer day is that the cottage heats up because of a roof or
16 whatever it is, and the air actually moves out of that window
17 from the inside to the outside, not from the outside to the
18 inside.

19 There's no driving force to draw air in through that
20 window. If there's a fan, you shut the fan off. If there's
21 an air conditioner, and I don't expect that those cottages
22 would have an air conditioner especially with a blocked open
23 window.

24 Q So do you think it would be advisable for people then
25 to keep the windows open?

1 A (MacDonald) If there's no choice, that window does
2 not close and that's included in the shelter survey and the
3 state ends up using that facility as a shelter for the
4 beachgoers, then there's no choice.

5 But what I'm saying is, that doesn't mean that the
6 air exchange rates per hour is violated.

7 MR. TURK: Your Honor, I'm not sure, maybe I'm not
8 capable of seeing the slide from this distance, but to me it
9 looks like that window is in a half open position. And I heard
10 Ms. Sneider say that that's the most that window can be closed
11 in the winter. I don't know if there's any evidence about
12 that. I don't know if someone has tested that window and seen
13 if it's broken or what the closure possibility is.

14 MR. DIGNAN: Your Honor --

15 JUDGE SMITH: This depict -- the idea is -- I'm
16 talking --

17 MR. LEWALD: It's the beach population that's being
18 talked about, not the wintertime population.

19 JUDGE SMITH: Is that where you're going? Is this
20 unsuitable for winter, is that where you're going?

21 MS. SNEIDER: No, I never intended to get into
22 winter. The witness suggested that the window could be closed,
23 and my suggestion was that it was wintertime. We looked at a
24 number of these windows in the beach area, in the wintertime
25 they were open.

1 MR. TURK: Well, how do we know that someone just
2 didn't leave them open.

3 MS. SNEIDER: Well, there's other testimony in the
4 case about the difficulty --

5 JUDGE SMITH: Back up, let me talk. Well, we're
6 talking now about sheltering the beach population in the
7 summer, and you're going to put on a witness that's going to
8 say, a lot of these cottages have louvered windows. And you're
9 going to get -- you're trying to get the panel to say, well,
10 louver windows are not consistent with their estimate of the
11 exchange rate. So this witness said, well, it doesn't degrade
12 the -- I mean, it doesn't change the exchange rate because the
13 first movement is, the room heats up and air goes out.

14 Then I guess you're saying, and then you have
15 stability after that point or are you saying the roof heats up
16 and there's a driving force and you have more exchange, you
17 left it -- you sort of stopped at that point.

18 THE WITNESS: (MacDonald) Physically what happens
19 is, as the room heats up air starts moving out that window and
20 that continues as long as there's a hot summer day.

21 JUDGE SMITH: Well, so long as that continues, then
22 you have a driving force exchanging air in there.

23 THE WITNESS: (MacDonald) From inside to outside.

24 JUDGE SMITH: Well, I see, sooner or later you're
25 either going to have --

1 THE WITNESS: (MacDonald) Well, yes, that's true.
2 There will be a makeup from somewhere. There will be other
3 openings somewhere around that facility and I have no idea
4 where that is.

5 MS. WEISS: Otherwise it'll implode.

6 JUDGE SMITH: Well, is it your testimony, whatever
7 the window opening is the heating air will eventually reach
8 stability or what, I don't know? Or is a louver situation like
9 this there will be a greater exchange, bearing in mind that
10 whatever goes out has to be replaced ultimately, do you still
11 stick with your testimony that the exchange rate would not vary
12 because of the fact that the windows are louvered?

13 THE WITNESS: (MacDonald) Now, the fact that it's
14 louvered doesn't matter; it just represents an opening. And
15 actually, that particular opening is so small, I'm not sure
16 that there would be very much of an air exchange rate
17 whatsoever.

18 And in an emergency situation part of the EBS message
19 that could be broadcasted would be to block out any opening
20 that existed in a facility like that.

21 MS. SNEIDER: Excuse me?

22 THE WITNESS: (Strome) I think as a prudent matter
23 anyone who was involved in a situation like that would probably
24 tack up a trash bag or something like that over the opening.

25

1 JUDGE HARBOUR: Excuse me. I'm bothered by your
2 explanations of the air exchange, doesn't the wind blow in this
3 beach area in the summertime?

4 THE WITNESS: (MacDonald) It certainly does and that
5 is the problem, actually.

6 JUDGE HARBOUR: The problem for what?

7 THE WITNESS: (MacDonald) Well, I mean, we're
8 postulating, obviously, here that there's a wind and it's
9 blowing from Seabrook Station two miles in land over these
10 kinds of -- these kinds of openings.

11 JUDGE HARBOUR: Are you saying that this house
12 wouldn't have a pressure differential on one side compared to
13 the other side of the house as a result of the wind blowing?

14 THE WITNESS: (MacDonald) That would be the case,
15 that's true.

16 JUDGE HARBOUR: What would be the case, there would
17 be a differential?

18 THE WITNESS: (MacDonald) There would be a
19 differential.

20 JUDGE HARBOUR: And the opening would then have what
21 effect on air exchange rate?

22 THE WITNESS: (MacDonald) It would depend on where
23 the opening was in relation to the differential, and that could
24 be drawing air out of that opening or it could be forcing air
25 into that opening.

1 JUDGE SMITH: In either event there would be an
2 effect upon the exchange rate? Or as Ms. Weiss observed you're
3 going to have an --

4 THE WITNESS: (MacDonald) That would be a dynamic
5 situation; that's true. And there would be some kind of air
6 exchange and an equilibrium established with the facility,
7 depending on how many openings there were, how many -- how much
8 volume of air was inside, what the temperature of the air was
9 inside, et cetera. It would be a very dynamic situation.

10 JUDGE SMITH: Well, isn't it -- given the situation,
11 likely to encounter the beach during the summer, which is
12 necessary, you've got to have the wind, you've got to have
13 heat, you've got to have all these things; isn't it more likely
14 than not that a house or a building or a shelter with more
15 openings is going to have a greater exchange rate than one with
16 good windows and less air openings, openings to the air?

17 THE WITNESS: (MacDonald) True.

18 JUDGE SMITH: True.

19 THE WITNESS: (Callendrello) Your Honor, there's one
20 assumption I think we've been asked to accept that I may not --
21 I've got a little problem with and that is, because these
22 windows are open in the wintertime, that they can't be closed,
23 I know that's a very damp area and in some cases, obviously,
24 there's no plumbing system or else there would be a danger of
25 the pipes freezing and maybe to prevent mildew, in fact, those

1 windows may be able to be closed.

2 JUDGE SMITH: Yes, I would guess that they could be
3 closed, I think that's part of the design, isn't it, that
4 they'd be closed.

5 THE WITNESS: (Callendrello) Yes, it usually is.

6 BY MS. SNEIDER:

7 Q Is anybody on the panel aware of the difficulty in
8 closing louver windows tightly?

9 A (Bonds) Yes.

10 Q And one other question about the air exchange rate,
11 would the small size of a cottage affect air exchange rate,
12 make the -- more likely that the air exchange would be more
13 rapid?

14 A (MacDonald) You mean a smaller interior volume?

15 Q Right?

16 A (MacDonald) Actual rate of exchange would depend on
17 the opening as well as the interior volume. So if you hold the
18 opening the same and you deal with a large volume and compare
19 that with a small volume, then the air exchange rate for the
20 small volume would be quicker.

21 Q So is your answer, yes?

22 A (MacDonald) Yes. Holding that opening size the
23 same, though.

24 Q And would a small cottage without interior walls
25 provide less shielding than, you know, a larger house with the

1 normal interior walls from cloud shine or ground shine?

2 A (MacDonald) Well, the main shielding afforded
3 interior to a building from cloud shine is the roof. Interior
4 walls can help depending on the interior configuration. But
5 mainly, the principal shielding -- the principal shield is the
6 roof. I should say, roof and exterior walls.

7 Q Okay. So that a cottage that didn't have a ceiling
8 in it underneath the roof would provide less shielding from
9 cloud shine than one that did; is that correct?

10 A (MacDonald) A shielding with -- a cottage with less
11 mass between the individual inside the cottage and the cloud
12 outside the cottage would be less effective than situation
13 with more mass.

14 (Continued on next page.)

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1 Q And that would be true for shielding from ground
2 shine also; am I right?

3 A (MacDonald) Shielding in general is a function of
4 how much mass of material is between the receptor and the
5 source of radiation.

6 MS. SNEIDER: Okay. I think I'm going to cut this
7 short with just one more slide.

8 JUDGE SMITH: You're showing a ventilating fan?

9 MS. SNEIDER: Yes, I am.

10 BY MS. SNEIDER:

11 Q Mr. Bell, have you been inside the ballroom of the
12 casino?

13 A (Bell) No, I have no.

14 Q Has anybody on the panel been inside the ballroom of
15 the casino?

16 A (Strome) Yes, about 30 years ago to dance to Guy
17 Lombardo.

18 A (Callendrello) I've been inside the ballroom of the
19 casino.

20 Q Would you agree that there is two fans of this nature
21 in the walls of the ballroom?

22 A (Strome) I can't recall.

23 A (Callendrello) I don't recall either.

24 MS. SNEIDER: I'd like to represent for the purposes
25 of this cross right now, I believe there is testimony coming in

1 on this, that this is the interior -- a shot of a fan inside,
2 taken from the interior of the ballroom of the casino.

3 MR. TURK: May I ask, is that in the public area, or
4 is that between the ceiling and the rafters? What are we
5 looking at?

6 MS. SNEIDER: Ballroom.

7 MR. TURK: The room where people go.

8 MS. SNEIDER: Right.

9 BY MS. SNEIDER:

10 Q Now in this room of the casino, I believe, Mr. Bell,
11 Stone & Webster have provided that 1300 people could shelter in
12 this room.

13 A (Bell) Excuse me, we have not listed that number
14 specifically as such. So, therefore, it must be a calculation
15 of yours?

16 Q Well, it's based on the square footage that Stone &
17 Webster allotted for this room of the casino. Looking at that
18 shelter survey form that I gave you before, that was the square
19 footage of this room, and then giving it the reduction factors
20 that Stone & Webster used.

21 A (Callendrello) We'll take a minute and we'll get the
22 form and we can verify that.

23 We're not able to recreate that calculation right here
24 without the floor plan of the building.

25

1 A (Bell) Was that calculation done using one-half
2 availability factor and the ballroom floor space multiplied
3 together, and then divided by 10 square feet per person?

4 Q Yes, it was.

5 I can show you a floor plan if that would help you.

6 A (Callendrello) Yes, it would.

7 Q From the tax assessor's card.

8 JUDGE SMITH: Could we have lights now?

9 (Witnesses confer.)

10 THE WITNESS: (Bell) How many people did you say?

11 MS. SNEIDER: Approximately 1300.

12 THE WITNESS: (Bell) Approximately 1300.

13 BY MS. SNEIDER:

14 Q And would those fans, large fans in the wall affect
15 the air exchange rates in those buildings, or in that room?

16 A (MacDonald) Well, that's deliberately forcing inside
17 air to the outside, meaning it's got to be made up from other
18 sources. So, yes. But for shelter purposes those fans would
19 be shut down.

20 Q Shut down?

21 A (MacDonald) Cut off.

22 Q Okay. But just the fact that there is that opening
23 to the outdoors, even if the fans are turned off, would that

24

25

1 affect the air exchange rate?

2 A (MacDonald) Well, then we're back to the other
3 discussion we had of the stuck-open louver opening, and it has
4 that kind of affect, but not a deliberate forced ventilation
5 effect if the fan is shut of.

6 Q Okay.

7 A (Callendrello) It's also a little difficult to
8 estimate that without knowing the size of that fan or the size
9 of that opening.

10 JUDGE SMITH: But certainly it's going to have an
11 effect, the fact that there is an opening there will have an
12 effect.

13 THE WITNESS: (Callendrello) Right.

14 JUDGE SMITH: We know nothing else about the room or
15 anything else, but that will have an affect.

16 MS. SNEIDER: And we do know the size of the room.

17 JUDGE SMITH: And you don't know anything else about
18 what other openings there are or anything else. Just that we
19 know up there at the peak we have a circle of about 18 inches,
20 12 inches or so with air coming out.

21 MS. SNEIDER: No, larger than that.

22 JUDGE SMITH: Whatever.

23 Do you want to break for lunch now?

24 MS. SNEIDER: I think I'm finished.

25 JUDGE SMITH: With your cross-examination?

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MS. SNEIDER: Yes.

JUDGE SMITH: To the panel?

MS. SNEIDER: Yes.

JUDGE SMITH: Oh, fine.

Return at 1:10.

(Whereupon, at 11:56 a.m., the hearing was recessed,
to resume at 1:10 p.m., this same day, Thursday, May 5, 1988.)

65

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

2 (1:12 p.m.)

3 MS. SNEIDER: Your Honor, just one brief thing, I'd
4 like to move into evidence Commonwealth's Exhibits No. 16 and
5 17; I realized I failed to do that this morning.

6 MR. DIGNAN: Is there a motion to put something in
7 evidence?

8 JUDGE SMITH: Yes, 16 and 17.

9 Are there objections?

10 MR. DIGNAN: No, Your Honor.

11 JUDGE SMITH: Massachusetts Attorney General 16 and
12 17 are received.

13 (The document referred to having
14 been previously marked for
15 identification as
16 Massachusetts Attorney General
17 Exhibits 16 and 17 were
18 received in evidence.)

19 MR. DIGNAN: Your Honor, if the Attorney General has
20 no objection to this, you will recall the slide of Bev's Deli,
21 we'd just like the Board -- since the slides, I understand, are
22 in evidence, we're not going to ask you to take this into
23 evidence, but here's a couple of other photographs of Bev's
24 Deli that the Board might like to contrast in their own mind of
25 the slide.

1 JUDGE SMITH: Okay.

2 Mr. Brock?

3 MR. BROCK: Thank you, Your Honor.

4 Whereupon,

5 JOHN BAER

6 DONALD BELL

7 ANTHONY M. CALLENDRELLO

8 PAUL R. FRECHETTE

9 JOHN D. BONDS

10 JAMES A. MACDONALD

11 RICHARD H. STROME

12 WILLIAM T. WALLACE

13 having been previously duly sworn, resumed the witness stand
14 and was examined and testified further as follows:

15 CROSS-EXAMINATION

16 BY MR. BROCK:

17 Q Is it Mr. Bell, Dr. Bell?

18 A (Bell) Mr. Bell.

19 Q Mr. Bell, I'm Matt Brock for the Town of Hampton.

20 I'd like to just clarify a few points raised by Attorney
21 Sneider's examination this morning.

22 As I understand your role in preparing the Stone &
23 Webster study of August '87 that was to identify available
24 shelters in the beach areas; is that correct?

25 A (Bell) Potentially available, yes.

1 Q And you compiled a list of essentially every
2 structure in the beach areas, is that correct, every building?

3 A (Bell) Not every building, just the ones that were
4 businesses. Not -- we didn't do the private residences.

5 Q With that qualification?

6 A (Bell) Yes.

7 Q Thank you.

8 After you compiled that list, do I understand that
9 there was some other individual or individuals at Stone &
10 Webster who determined, I believe you used the term this
11 morning which of those shelters were reasonable?

12 A (Bell) They assigned a -- using the Aldrich
13 reference as a guide and their knowledge, they assigned shelter
14 factors, shielding factors to each building. A few were
15 rejected but most were put down, and they're shielding factors
16 on the work sheets.

17 Q So if I'm correct, you used the term, that reasonable
18 shelters were those which ended up in Stone & Webster study,
19 the reference is simply to those shelters which met the .9
20 shielding factor criteria?

21 A (Bell) Yes.

22 Q Were there any other criteria in order to get on the
23 Stone & Webster list?

24 A (Bell) If we thought the building was too open, in
25 other words, that porch on Brown's that was all screens, then

1 that was eliminated.

2 Q All right. Well, would you agree with me that out of
3 approximately 210 structures in Hampton Beach, 205 ended up on
4 Stone & Webster; is that correct, approximately?

5 A (Bell) That would be a good guess.

6 Q So -- strike that. So it's your testimony, though,
7 that there was some consideration in addition to the .9 factor
8 as in amount of glass, ventilation systems, proximity to the
9 plant that did play a role in whether or not the structure was
10 included in Stone & Webster?

11 A (Bell) It was mostly based on the .9. What else he
12 did in making his determination he didn't always share with me.

13 Q So you don't know for certain what the basis was for
14 inclusion in Stone & Webster beyond the .9 shielding factor?

15 A (Bell) Beyond the .9.

16 Q But it's your testimony there were additional
17 factors?

18 A (Bell) Perhaps in one case that I can remember where
19 it was just too open.

20 Q Beyond that one case, do you know of any instances?

21 A (Bell) No.

22 Q If I was to represent to you that two of the
23 structures contained on the list for the Town of Hampton,
24 specifically the Budapest at page four of the -- excuse me, do
25 you have a copy of the Stone & Webster?

1 A (Bell) Yes. The August '87, yes.

2 Q I believe at page four of that study for the Town of
3 Hampton, so that would be 4 of 16.

4 A (Callendrello) I've got that, Budapest Apartment?

5 Q That's correct.

6 A (Callendrello) Yes.

7 Q That as well as the Debonair on page 11 of 16 of the
8 same study. If I was to represent to you that, at the time
9 Stone & Webster listed them as potential shelters for the
10 public those buildings had been condemned by the Town of
11 Hampton Fire Department, would you have any basis to dispute
12 that?

13 A (Bell) No, I wouldn't dispute that if that's what
14 you represent.

15 Q Okay. Would that surprise you?

16 A (Bell) I don't recall seeing any signs to that
17 effect. I didn't notice any. If we had, we probably wouldn't
18 have listed them.

19 Q If you had seen a sign?

20 A (Bell) If we had seen a sign that the building was
21 condemned. We did eliminate some buildings because they were
22 closed, permanently closed apparently or long-term closure with
23 signs.

24 Q And that would account for approximately the five out
25 of the roughly 200 buildings that were eliminated; is that

1 correct? Is that a yes?

2 A (Bell) Yes.

3 Q Mr. Callendrello, is it presently the position of New
4 Hampshire Yankee that there is adequate shelter for the beach
5 population in the event of an emergency at Seabrook?

6 A (Callendrello) Yes.

7 Q What's the basis for that opinion?

8 A (Callendrello) The basis for the opinion is,
9 starting off as my definition of shelter, and it is as I had
10 indicated earlier, consistent with the definition of shelter
11 that's been put forth by members of NRC staff in other
12 proceedings and that is, shelter is essentially, you do the
13 best you can with what you have.

14 In that case, shelter is the shelter-in-place
15 concept, in-place meaning, in buildings, indoors that meet the
16 dose reduction factors established and accounted for in the New
17 Hampshire radiological emergency response plan, that is, .9
18 dose reduction factor whole body and the thyroid or the
19 inhalation dose reduction factors.

20 Starting with that concept and that basis, then
21 looking at the numerical or the capacity in numbers of
22 buildings that meet those criteria as established by the Stone
23 & Webster shelter study which yields approximately 91,000
24 shelter spaces or capacity for roughly 91,000 individuals.

25 And the final piece of information is comparing that

1 capacity of 91,000 with the peak population for the area of
2 interest in this case which is what I'll call Hampton Beach
3 South, south of Great Boars Head and all of Seabrook Beach of
4 roughly 31,000. And those numbers are given in our Attachment
5 3 to our testimony.

6 The exact number of shelter space as potential
7 shelter space is 91,527. Estimated peak population for that
8 area 31,239. So we've got roughly a three-to-one ratio of
9 available shelter space to peak population.

10 Q That is the basis for your opinion, there's adequate
11 shelter to protect the public; is that correct?

12 A (Callendrello) Yes.

13 Q Do I understand then that any shelter identified in
14 Stone & Webster in the opinion of New Hampshire Yankee would
15 adequately protect the public in the event of an emergency,
16 could be used as shelter to adequately protect the public in
17 the event of an emergency?

18 A (Callendrello) It's a little bit different than the
19 first question you asked.

20 Q I hope it is.

21 A (Callendrello) There is sufficient shelter to
22 provide shelter within the criteria of that -- within the
23 criteria assumed by the New Hampshire plan.

24 Q I don't know if that's exactly responsive, but let me
25 try again and see if we can join the issue. What I'm asking

1 is, any shelter, as I understand it, listed in the Stone &
2 Webster study has been determined to meet the .9 dose reduction
3 factor; is that correct?

4 A (Callendrello) It is at least that good, yes.

5 Q Am I correct then that in New Hampshire Yankee's
6 view, any of those shelters in Stone & Webster would adequately
7 protect the public in the event of an emergency?

8 MR. TURK: Your Honor, maybe we could have a
9 definition of what counsel means when he says, "adequately
10 protect the public." Is that a dose standard?

11 MR. BROCK: I believe it's a regulation, Your Honor.

12 JUDGE SMITH: I think -- I assume he's accepting Mr.
13 Callendrello's definition, and now he's testing him on whether
14 that applies to every single shelter listed in Stone & Webster.

15 MR. TURK: Well, if counsel is stating that the
16 regulatory standard is that a shelter provide adequate
17 protection, I think it would help, one, if he provides us with
18 the citation to the statute or to the regulation.

19 JUDGE SMITH: It's not counsel's definition, it's
20 Callendrello's definition.

21 MR. TURK: No, Your Honor.

22 MR. BROCK: Excuse me, Your Honor, for clarification,
23 I'll withdraw my comment, and as the Board has framed the
24 question.

25

1 BY MR. BROCK:

2 Q Can you answer that, Mr. Callendrello?

3 A (Callendrello) I'm sorry, I missed the Board's
4 question.

5 JUDGE SMITH: I didn't mean to have such an impact
6 upon the questioning here, I just thought I understood it to be
7 not your standards that you're probing, but whatever standards
8 are being used. Because the thrust of your question is not the
9 standard but the adequacy of the report. The completeness and
10 accuracy of the report, not the standard; right?

11 MR. BROCK: That's correct.

12 MR. TURK: I must have misunderstood, I thought
13 counsel was asking him whether the shelters identified in the
14 study provided, quote: "Adequate protection," close quote; and
15 I didn't understand the definition of that phrase had been
16 established.

17 BY MR. BROCK:

18 Q Can you --

19 JUDGE SMITH: Well, go ahead and proceed as you will.

20 BY MR. BROCK:

21 Q Can you answer the question as framed, Mr.
22 Callendrello?

23 A (Callendrello) No, I can't answer it.

24 Q All right, let's try again.

25 What I'm trying to determine is whether or not any of

1 the shelters identified in Stone & Webster, in the opinion of
2 New Hampshire Yankee, could be used by a member of the public
3 in a radiological emergency, and in New Hampshire Yankee's view
4 that would adequately protect that person under those
5 circumstances?

6 MR. TURK: Your Honor, the same problem. The phrase,
7 "Adequately protect." I'd like to hear what counsel's
8 definition of that phrase is.

9 The question is simply whether any structure in the
10 Stone & Webster survey provides at least a .9 protection
11 factor. That's different from the tail end of the question
12 which asks, is that adequate protection.

13 JUDGE SMITH: Well, now you're sticking with your
14 question apparently?

15 MR. BROCK: That's correct, Your Honor.

16 JUDGE SMITH: And do you understand -- I'm sorry, go
17 ahead and finish your statement.

18 MR. BROCK: My question -- I am sticking with that; I
19 want to know if the witness can answer the question.

20 JUDGE SMITH: All right. Can you answer the
21 question? Do you know what adequate protection is?

22 THE WITNESS: (Callendrello) I think so, and maybe
23 if I just give my definition of adequate it will help clarify
24 the --

25 MS. WEISS: I can't hear.

1 THE WITNESS: (Callendrello) The question is, does
2 New Hampshire Yankee -- is New Hampshire Yankee of the opinion
3 that shelter can adequately protect the population. And my
4 position is, yes, sheltering can adequately protect the
5 population, consistent with my definition of sheltering, and
6 that is, you do the best you can with what you have.

7 And in this case, the criteria is established in the
8 New Hampshire plan, and if those buildings meet that criteria
9 then sheltering is adequate.

10 BY MR. BROCK:

11 Q So it's fair to say then, if a building is there and
12 it's used, it's the best you can do, that's adequate shelter;
13 is that a fair characterization?

14 A (Callendrello) Yes.

15 Q Mr. Bonds, I understood yesterday that the state
16 presently does not know whether there is adequate shelter for
17 the beach population; is that correct?

18 A (Bonds) That's based on testimony I gave yesterday?

19 Q That was my understanding of your testimony?

20 A (Bonds) I haven't reviewed yesterday's transcripts,
21 I don't recall all that I said yesterday.

22 Q Well, let me ask you this first, is it your view or
23 is it the view of the State of New Hampshire that it presently
24 cannot determine whether there is adequate shelter for the
25 beach population to protect them in the event of an emergency?

1 A (Bonds) That it cannot?

2 Q Correct?

3 A (Bonds) That it has not determined?

4 Q Correct?

5 (Witnesses conferring)

6 THE WITNESS: (Bonds) As I recall my response, what
7 I do recall from yesterday was that the state has not conducted
8 its own study as to whether or not there is space in
9 relationship to where the crowds are doing the definitive work.

10 The state's position is based upon its judgment that
11 there is adequate space for the time that's needed to shelter,
12 given that shelter is an extremely limited option in the first
13 place.

14 BY MR. BROCK:

15 Q Do I then understand your testimony that the state's
16 position is that there is presently demonstrated adequate
17 shelter for the beach population?

18 A (Bonds) It is the state's judgment that at the
19 present time there is adequate shelter for the beach population
20 for the period of time in which the state would expect the
21 population to shelter.

22 Q All right. Do you have the transcript from
23 yesterday?

24 A (Bonds) No, I do not.

25 MR. BROCK: Could someone provide that.

1 MR. BISBEE: Yes.

2 MR. BROCK: I'm referring to page 10573, beginning
3 third paragraph, let me just read a sentence into the record.
4 I believe this is a response of you, Mr. Bonds: "So we haven't
5 done our own assessment yet as to whether or not there is
6 adequate shelter." I can continue: "But given that there was
7 an awful lot of shelter there and that there are people there,
8 there's got to be some relationship, we just don't know what
9 that is, but we would certainly expect that at some point in
10 time an independent assessment is going to be made."

11 BY MR. BROCK:

12 Q Can you explain that to me in light of the answer you
13 just gave?

14 A (Bonds) Yes, certainly. The answer I just gave, and
15 what was intended with what is here is that, it is the state's
16 judgment at this time that there is adequate shelter. In terms
17 of we haven't done our own assessment, we certainly haven't
18 done our own assessment. As to whether or not there is
19 adequate shelter, that's what the empirical process, the
20 empirical study, whether it's Stone & Webster style study or
21 somebody else's study of our own, that has not been done yet.
22 But the judgment is there that there is adequate shelter.

23 Q Well, and is that judgment based upon, essentially,
24 adopting the Stone & Webster study and the view of New
25 Hampshire Yankee rather than doing an independent assessment?

1 A (Bonds) Absolutely not.

2 Q What is the basis for the judgment of the state, that
3 there was presently adequate shelter?

4 A (Bonds) The judgment was there long before Stone &
5 Webster undertook any study. It was there with the original
6 volumes of the plan, Rev. 0 way back. It's based upon an
7 understanding that there is shelter that's there; there are
8 people that are there. And that should the situation arise in
9 which you did have to take sheltering or recommend sheltering,
10 that there would be adequate space available for all of the
11 people at that location, given that sheltering is an extremely
12 limited option in the first place.

13 Q Do you accept Mr. Callendrello's view that the
14 shelter option is essentially, do the best with what you have?

15 A (Bonds) I'm not certain that's Mr. Callendrello's.
16 I think he was referring to somebody else. I don't know that I
17 would phrase it in exactly that fashion.

18 Q Assume that's Mr. Callendrello's position, would you
19 accept that?

20 Excuse me, I'd appreciate it, Mr. Bonds, if you would
21 answer the question. If you can't answer it, say so, and you
22 may consult.

23 MR. BISBEE: Excuse me, Your Honor, may the witnesses
24 be allowed to ask whether they may confer as well.

25 MR. BROCK: I'm sorry, I wasn't clear on that. I

1 would like it -- my question is directed to Mr. Bonds, if he
2 cannot answer it, have him say so and then he may consult.

3 THE WITNESS: (Bonds) Are you asking me on my
4 personal opinion or are you asking me as a representative of
5 the state?

6 BY MR. BROCK:

7 Q That is correct, as a representative of the state?

8 MR. BISBEE: Excuse me, Your Honor, again, I
9 apologize for interrupting. I'm unclear on the ground rules
10 here, I thought initially -- at the commencement of this
11 proceeding early on last fall the attorneys questioning the
12 witness panel had asked that whenever the witnesses wanted to
13 confer that they so indicate on the record. Now I understand
14 that the witness is not being allowed to confer if he so
15 wishes.

16 JUDGE SMITH: That's my understanding of what your
17 requirements are, that he can only confer if he's unable to
18 answer the question.

19 MR. BROCK: That's correct, Your Honor.

20 MR. BISBEE: Excuse me, if he's unable to answer it?

21 JUDGE SMITH: Yes.

22 BY MR. BROCK:

23 Q Can you answer that question, Mr. Bonds?

24 A (Bonds) As a representative of the state I would
25 need to confer with other representatives from the state who

1 have more authority than I in terms of the decisionmaking
2 process to assure that the answer I gave is consistent with
3 what the state's position is. I'm just a planner in the
4 process.

5 If it's possible I'd like to speak with Dr Wallace
6 and Mr. Strome.

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7 (Continued on next page.)

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1 MR. BROCK: Go ahead.

2 (Witnesses confer.)

3 THE WITNESS: (Bonds) If the question is does the
4 state consider Mr. Callendrello, given that he said it or that
5 he might have said it, that we make do, we make do with the
6 best we have, if the state accepts that definition, the answer
7 is no.

8 We have made a considered judgment based upon the
9 experiences that we have within the state and the basis of the
10 knowledge that we have of that area, given that it's not based
11 on an empirical evaluation or study, that there is adequate
12 shelter in that area for the short duration in which a
13 sheltering recommendation would be made.

14 BY MR. BROCK:

15 Q So if I understand your testimony that whatever the
16 state's view, for there to be adequate shelter it must be more
17 than a best effort?

18 A (Bonds) I'm confused as to best effort.

19 Q All right. I'll withdraw the question.

20 Mr. Bonds, if I could refer you to Attachment 3 of
21 the panel's testimony, Page 1. The last sentence on that page,
22 which I'll read into the record, saying, "Therefore, available
23 potential shelter capacity is almost three times the estimated
24 peak beach population."

25 Is it the state's position that that potential

1 shelter capacity means that there is that -- that there is
2 adequate shelter capacity of a ratio of three to one?

3 A (Bonds) The state has no opinion with regard to this
4 attachment.

5 Q The state does not adopt or subscribe to this part of
6 the testimony?

7 A (Bonds) That's clearly stated within the testimony.
8 The state has done nothing with regard to the Stone & Webster
9 study.

10 Q Mr. Bonds, if I understood your testimony yesterday,
11 you indicated that those buildings identified in the Stone &
12 Webster study would not necessarily be the buildings which the
13 state may select in order to shelter the public in the event of
14 an evacuation; am I correct?

15 JUDGE SMITH: Well, think about that question. In
16 the event of a sheltering decision you mean?

17 MR. BROCK: That's correct, Your Honor.

18 THE WITNESS: (Bonds) I'm trying hard to remember
19 the context in that answer. If you have a place in here, that
20 would be helpful.

21 BY MR. BROCK:

22 Q Yes, I'm sorry.

23 I guess, first of all, I've stated a point. Do you
24 agree with that or not?

25 A (Bonds) That the state may not adopt the same

1 shelters that Stone & Webster has adopted as --

2 Q In order to shelter the public, correct?

3 A (Bonds) If as a result of the state's own study
4 determine that Stone & Webster had included buildings that it
5 would not, then the answer is true.

6 Q Okay. Did I understand that comment to mean that
7 there are buildings outside the Stone & Webster study for which
8 the state believes are available to shelter the public?

9 A (Bonds) The state hasn't completed any study in
10 order to make that kind of judgment.

11 Q Well, you would agree, based on the statements Mr.
12 Bell just made, that essentially Stone & Webster has listed
13 virtually every building in the beach areas; isn't that
14 correct?

15 There are no other buildings; isn't that correct?

16 JUDGE SMITH: Business building

17 MR. BROCK: That's correct, Your Honor.

18 THE WITNESS: (Bonds) To the extent that he has
19 listed virtually every other building, yes, that's correct.
20 He's listed virtually every building.

21 MR. BROCK: Mr. Strome.

22 THE WITNESS: (Strome) Should I switch with Mr.
23 Bell?

24 MR. BROCK: Fine, it shouldn't be long.

25 BY MR. BROCK:

1 Q I want to clarify a couple of points that I believe
2 you made yesterday.

3 As I understand it, the State of New Hampshire and
4 your office have not talked to any of the owners of the
5 structures designated in the Stone & Webster as potential
6 public shelters.

7 A (Strome) I don't think that's exactly what I said
8 yesterday, but that's, in essence, correct. I did caveat it
9 with, for example, the facilities survey's program, if you
10 recall. So those caveats still stand.

11 Q Okay. But with reference to emergency planning for
12 Seabrook, there has been no discussion; isn't that correct?

13 A (Strome) Essentially that's correct.

14 Q Now I believe in response to Attorney Sneider's
15 question, in the state's view should the state have letters of
16 agreement with those owners, if I understood, your answer was,
17 yet, the state has not reached that point in the process, and
18 wishes to consult the Attorney General's office.

19 Is that a fair characterization?

20 A (Strome) That's pretty -- that's a fair
21 characterization of what I said.

22 Q Let's assume that the state consults the Attorney
23 General's office, and the AG's office comes back and says, it
24 is not a legal requirement for the state to get letters of
25 agreement or owner permission to use or rely on private

1 structures for radiation shelters.

2 On that basis is it your position, or the state's
3 position that they would not seek permission from the owners?

4 A (Strome) I guess to answer your question, I would
5 have to say that I would follow the guidance given to me by
6 legal counsel.

7 Q So, in your view, it's strictly a matter of whether
8 or not letters of agreement or permission are required by law.

9 A (Strome) I'm not sure that that's the case. I'm
10 saying that whatever the Attorney General or his representative
11 might encourage me to do is essentially what I'd do.

12 Q Okay. And your office has no opinion or view about
13 any other factors which should be considered about whether or
14 not owners should be consulted or permission obtained?

15 A (Strome) Not at the present time.

16 Q Mr. Bonds, I believe earlier, in response to a few
17 questions by Attorney Sneider, if I understood your testimony,
18 the transit-dependent transients, I believe we called them the
19 2 percent population for shorthand reference?

20 A (Bonds) I don't recall calling them the 2 percent
21 population.

22 Q You understand the population --

23 A (Bonds) The transportation-dependent transients,
24 yes.

25 Q That it would be the state's view that that group

1 would be sheltered in state and municipal buildings; is that
2 correct?

3 A (Bonds) The state, in selecting shelters for that
4 population, would certainly look first to state and municipal
5 structures, yes.

6 Q Can you identify for me the number of state buildings
7 in Hampton Beach?

8 A (Bonds) No, sir.

9 Q All right. Well, I don't want to play a game with
10 you. I have gone through Stone & Webster and I have found two.
11 If you have that, let me just refer you to the pages.

12 A (Bonds) I don't have that.

13 Q You do not have the Stone & Webster study?

14 A (Bonds) No, I do not.

15 A (Callendrello) There's one here.

16 Q Okay. I'm looking on page 12 of 16 for the Town of
17 Hampton shelters. The fifth building designated, I'll quote
18 it. "Restrooms (state beach closed); Ocean Boulevard (across
19 from casino)", indicating there is 3000 square feet in that
20 structure; is that correct?

21 A (Bonds) I see that, yes.

22 Q Let me refer you to the other state facility of which
23 I am aware, which is on Page 14. I thought it was on Page 14.

24 Yes, on Page 14, the state park bathhouses on Ocean
25 Boulevard, 2000 share feet.

1 A (Bonds) Number two on the list; yes, I see that.

2 Q You're not aware, or is anyone on the panel aware of
3 any other state structures in Hampton Beach?

4 A (Callendrello) I'm not aware of any other state
5 structures on Hampton Beach.

6 (Witnesses confer.)

7 THE WITNESS: (Strome) I can't recall. We certainly
8 have not run a catalogue. But I know that I have been inside a
9 structure on Hampton Beach from which the DRED offices work,
10 the lifeguards work, and that doesn't seem to be part of the
11 grouping that you read to us.

12 BY MR. BROCK:

13 Q So what you are identifying is your belief that there
14 is one other state structure?

15 A (Strome) Well, I guess I'm saying I'm not -- I'm not
16 saying that your list isn't correct, but it seems to me I
17 recall at least one other structure that might be available.
18 So I guess what I'm doing is questioning whether your number
19 two is correct.

20 Q Let me just make this point.

21 At least with respect to the state-owned buildings on
22 the pages which I have identified, as I understand it the
23 restrooms at the state beach, that's what it is. It's a men's
24 room and a ladies' room; is that correct?

25 A (Bonds) I've never been there. I don't know.

1 Q And the other building, half of it is a restroom and
2 half of it is used for storage.

3 Are you aware of that?

4 A (Bonds) I've never been there. I don't know.

5 Q Assume that's true, in your opinion, are those
6 appropriate shelters for the public?

7 A (Bonds) I believe I responded -- the testimony
8 you're referring to -- was that the state has yet to identify
9 what the criteria are for selecting the buildings that it would
10 use for the transportation-dependent transients.

11 Q Okay. So that, in your view, state-owned bathrooms
12 may or may not at this time constitute adequate shelters for
13 the public.

14 A (Bonds) From the state's standpoint, I couldn't
15 answer that.

16 From a planning standpoint, that would be down some
17 place on the list, but I don't know where it would stand with
18 respect to anything else.

19 Q Okay. Just to follow up on that.

20 In going through Stone & Webster, I have identified
21 two municipal buildings in the Stone & Webster study on Hampton
22 Beach. One is the police station and one is the fire station.

23 Can anyone on the panel identify any other municipal
24 buildings of which they are aware?

25 A (Bonds) No.

1 A (Callendrello) There's the fire station garage, of
2 course, which we saw some photos of today.

3 Q Mr. Strome, in your opinion, would it be good
4 emergency planning to utilize a police station of the Town of
5 Hampton which under the plan is to be a center for emergency
6 response in the event of a radiological emergency?

7 A (Strome) I think it would be entirely appropriate to
8 use the police station as a response center for an emergency.

9 Q I'm sorry if I wasn't clear.

10 Would it be appropriate to use the police station,
11 which is a response center, also for a public shelter?

12 A (Strome) I think, in the normal daily course of
13 events, if I recall the police station at Hampton Beach, it's
14 used not only for response to emergency situations, but it's
15 also, at least it was at one time, used as a holding area for
16 people.

17 In a sense, I suppose you could call that a shelter.

18 Q So that would not bother you as an emergency
19 planning.

20 A (Strome) As an emergency planner, I think space is
21 essentially space.

22 MR. BROCK: Thank you. I have nothing further.

23 CROSS EXAMINATION

24 BY MS. WEISS:

25 Q Gentlemen, my name is Ellyn Weiss. I represent the

1 New England Coalition.

2 You recall that at the outset of this testimony you
3 vouched for the truth and accuracy of the entire package of
4 testimony each and every one of you; is that correct?

5 A (Callendrello) That is correct.

6 Q My question is to the state witnesses.

7 Considering the testimony in response to questions by
8 Mr. Brock and response to questions by Ms. Sneider, do you
9 still vouch for the accuracy and truth of Attachment 3 to the
10 testimony?

11 A (Strome) I think the state's position has really not
12 changed, and we stated in the testimony that we have not
13 accepted in whole certainly the testimony provided in
14 Attachment 3.

15 Q It would be correct then that as to the state
16 witnesses, you do not adopt Attachment 3 to the testimony.

17 A (Strome) Would you please repeat that, counselor.

18 Q Would it be correct then that the state witnesses do
19 not adopt Attachment 3 to the testimony?

20 MR. LEWALD: Could I hear the end of that? The voice
21 drops and we lose it with the traffic back here.

22 BY MS. WEISS:

23 Q Is it correct that the witnesses do not adopt -- the
24 state witnesses do not adopt attachment 3 to the testimony?

25 A (Strome) I think that's a correct statement.

1 Q Now you are counting within the definition of
2 publicly accessible shelter spaces for purposes of sheltering
3 the 98 percent motel and hotel rooms that are occupied; that's
4 correct, isn't it?

5 A (Callendrello) That's correct.

6 Q Do you have any estimate of what percentage of the
7 total available space are in those hotel and motel rooms?

8 A (Callendrello) No, I don't.

9 Q It certainly is a substantial portion of the
10 immediate area across the street from the beaches, isn't it?

11 A (Callendrello) I just said I don't have an estimate.

12 Q With regard to use of occupied motel rooms for people
13 coming off the beach, has the state given any thought to the
14 potential legal liability a motel owner might be exposed to if
15 he or she opened rooms occupied by other people to people
16 coming off the beach?

17 A (Strome) That eventuality has not been considered as
18 yet by the state.

19 Q But you do intend to look at that issue.

20 A (Strome) Certainly.

21 Q And that's a serious issue, isn't it?

22 A (Strome) We will look at the issue. I can't begin
23 to proffer a legal opinion.

24 Q It's a serious question, isn't it?

25 A (Strome) If it's a serious legal question, if you're

1 asking me that, I can't answer.

2 Q With regard to the forms that the motel owners have
3 filled out and some of the other owners of publicly accessible
4 shelters -- this is to Mr. Callendrello who testified on this
5 yesterday.

6 I believe you testified that you had seen those forms
7 that are attached to the testimony of Mr. Moughan, I believe?

8 A (Callendrello) It appears in two locations:
9 Attached to testimony of Mr. Moughan, and also attached to the
10 testimony of the Commonwealth's witnesses. I don't recall
11 which ones.

12 Q And it was your testimony that you did not
13 necessarily consider those statements to the effect that the
14 owners of the spaces would not make them available to be
15 reflective of what might happen during an actual emergency,
16 correct?

17 A (Callendrello) Yes. As I believe I indicated, I was
18 skeptical as to the conclusions that were being reached from
19 those responses.

20 Q Well, regardless of what might happen in an actual
21 emergency, wouldn't you agree with me that those statements
22 indicate a present intention not to participate in planning?

23 A (Callendrello) No. As I indicated yesterday, I've
24 got considerable skepticism as to the results of either of
25 those forms based on the conflicting nature of some of them.

1 Q You don't believe that when the motel and hotel
2 owners and shop owners say that they will not open their
3 buildings, that that at least conveys the sense that they will
4 not participate in planning to open those buildings?

5 A (Callendrello) That's not what I said. What I said
6 was that I have considerable doubt as to the validity of either
7 of those forms, because when on one form it says somebody will
8 not do something, and on another form it says somebody will do
9 something. That, in my mind, casts considerable doubt on the
10 validity of either one.

11 Q Well, I'm not sure we're communicating.
12 Regardless of what these people may or may not do in
13 an actual emergency, maybe they will open their motels and
14 their shops, maybe they won't. Maybe they will board them and
15 leave. Regardless of what they may or may not do during an
16 emergency, wouldn't you agree with me that those statements
17 indicate the present intention of those people not to
18 participate in planning?

19 A (Callendrello) No, because as I indicated, there's
20 conflicting information on those forms.

21 Q Are any of them currently participating in planning?

22 A (Callendrello) There has been no contact with those
23 people either on the part of New Hampshire Yankee, or as I
24 understand from the testimony yesterday, on the part of the
25 State of New Hampshire.

1 So they haven't been requested to participate in
2 planning as far as I can tell.

3 Q There is no planning going on in that regard,
4 correct?

5 A (Callendrello) I didn't say that. I said there has
6 been no contact, and they haven't been requested to participate
7 in planning.

8 Q Mr. Bonds, I want to just briefly pursue your
9 statement that although you have not reviewed the Stone &
10 Webster other than a cursory review, and you haven't done your
11 own independent study, it is your judgment that there is
12 adequate shelter space. And I would like to know what you're
13 basing that judgment on.

14 A (Bonds) That's the judgment of the state.

15 May I have some time to discuss this with the others,
16 the other state witnesses here?

17 Q You are the planner; is that correct?

18 A (Bonds) I'm the planner for the Division of Public
19 Health Services, yes.

20 Q You may consult.

21 (Witnesses confer.)

22 THE WITNESS: (Bonds) The judgment is based upon the
23 experience that the state has had with that area for some
24 period of time. When the plan has been drafted, the issue
25 comes up is it reasonable, and people who are familiar with

1 that area, who deal with that area on a routine basis have yet
2 to say, no, that's not a reasonable assumption to make.

3 The s makes that judgment based upon its
4 experience, not on any study that's been completed.

5 Q Well, you haven't had any experience in sheltering 70
6 to a hundred thousand people.

7 A (Bonds) I don't know 70 to 100 thousand people is
8 the figure.

9 Q Well, there is a large number of people on the beach.

10 A (Bonds) Yes.

11 Q We can agree to that.

12 A (Strome) Well, I think -- let's just clarify the
13 record here.

14 We have heard some numbers thrown around about the
15 numbers of people on the beach. The empirical data certainly
16 suggests that it's considerably less than 70,000.

17 Q What number do you accept?

18 A (Strome) Well, I think we're just clarifying the
19 record with respect to the number you used, counselor.

20 Q What number - do you have a number that you accept
21 for the peak summer day on the beach?

22 A (Callendrello) That's in the testimony on Page 20,
23 and it's the addition of the 23,841 and 7,398, and the total is
24 31,239 estimated peak population for the area of Hampton Beach,
25 south of Route 51, and Seabrook Beach.

1 Q That's the --

2 A (Callendrello) South of Great Boars Head, excuse me.

3 Q That's the two or three-mile ring?

4 A (Callendrello) Two miles.

5 Q Two miles?

6 And that's the number that the state accepts?

7 A (Strome) We think that's a reasonable number, and
8 we're certainly willing to look in the future at other
9 statistical samplings or whatever studies are done that will
10 give us more accurate information.

11 So I guess it's still an open question, but it seems
12 a reasonable number.

13 Q Do you have a number for the entire length of the
14 beach within the EPZ?

15 A (Strome) Is that including Massachusetts?

16 Q Yes. Well, let's forget Massachusetts. Let's just
17 take New Hampshire.

18 A (Strome) It's all within the EPZ. That's why I had
19 asked.

20 Q Yes, I understand that.

21 A (Callendrello) I don't have a number off the top of
22 my head. I think that was in our direct testimony on
23 evacuation time estimates though.

24 A (Strome) I'm quite sure it's been computed, but I
25 don't recall it right offhand.

1 Q Now is it --

2 A (Callendrello) That is something I could get during
3 a break.

4 Q May or may not be necessary. I'll let you know, I
5 think.

6 Let's take your number then, 31,250, give or take, on
7 the beach within two miles. You say that it's the state's
8 judgment that there is sufficient shelter of .9 shielding
9 factor for those 31,000 within that same two-mile ring; is that
10 correct?

11 A (Bonds) If the need should be to shelter that
12 population, yes.

13 Q All right. Now can you give me, to the degree it's
14 possible, the elements of that experience that support the
15 judgment, specifically as you can?

16 A (Bonds) Say that one more time now.

17 Q What elements, what elements of your experience lead
18 you to believe that there is sufficient, adequate shelter space
19 for that 31,250 people?

20 (Witnesses confer.)

21 THE WITNESS: (Bonds) The state has accepted the
22 sheltering -- the potential for sheltering of a beach
23 population as being remote. Mr. Strome has pointed out that
24 it's certainly not a 50/50. I've testified as to the factors
25 that would lead one to indicate whether or not -- the factors

1 that would predispose a decisionmaker towards sheltering.

2 The judgment that I have and the experience that I
3 have is not based upon the number of walks down the boardwalk
4 back and forth, whatever, though there is some of that built
5 into it. I have been to Hampton Beach long before I ever knew
6 Seabrook and far before I ever knew there was a Division of
7 Public Health in this state.

8 And when it rained, people disappeared. And I assume
9 not everybody went home because there were no traffic jams.

10 Wow that's experience I gained long before I was ever
11 involved in this process, and I brought that with me when I
12 came. So there is a certain amount of judgment based on that
13 from seat-of-the-pants experience so to speak.

14 When considering that sheltering is an extremely
15 narrow option that's available to the state for a number of
16 factors, one of those factors certainly has to be what are we
17 dealing with in terms of the size of the crowd. If you're
18 dealing with a peak day, massive numbers of people, hot, all
19 get-out situation, those kinds of factors have to be weighed
20 into the decision. What is your reliability on this date that
21 there is in fact, as opposed to the day that's so-so, Tuesday
22 morning, what is your opinion of that day. You may have more
23 confidence on the Tuesday morning than you do on a Sunday
24 afternoon.

25 But given if you did have to do it on a Sunday afternoon,

1 and that was the best way of maximizing your dose savings, you
2 may -- the state may very well end up making its recommendation
3 on the basis of, we're going to stretch -- you know, it's going
4 to be the rafters, but we've got to make this recommendation
5 because that's the only recommendation we can make at this
6 time.

7 That's my best effort at a sincere answer toward your
8 request.

9 BY MS. WEISS:

10 Q What I hear from that are two things. First of all,
11 the element of experience which you gave me is the fact that
12 when you're there and it rains, people get off the beach
13 somehow.

14 A (Bonds) That's my experience. I can't speak that
15 that's the same experience of everybody else who's been
16 involved in this process.

17 Q I wouldn't be surprised if it were.

18 And the second thing I hear is that you really don't
19 think you are going to use this sheltering option.

20 A (Bonds) No, I didn't say that. I said if it has to
21 be used, it will be used. But the probability of its being
22 used is less than the probability of evacuation.

23 Q With regard to the discussion of the state beach
24 bathrooms, if there weren't anything better than bathrooms as
25 far as publicly owned buildings on the beach, would you

1 consider those suitable shelter space for the 2 percent?

2 A (Bonds) The transportation-dependent transients.

3 Q Yes.

4 A (Bonds) And there was absolutely nothing else.

5 MR. BISBEE: Objection. The question was asked by
6 Mr. Brock and answered.

7 MS. WEISS: I don't recall that that question was
8 asked in a different series of questions.

9 JUDGE SMITH: Well, I recall him asking about the
10 building which one-half was a restroom, the other half was a
11 storage room, and is that regarded as -- that seems to be the
12 same question.

13 It's a different question?

14 MS. WEISS: Yes. Mr. Bonds said that as a planner he
15 would put that at the bottom of his list. What I heard him
16 saying was he would not prefer to use bathrooms if there was
17 another choice. And I'm asking him if there isn't anything
18 better as far as public municipal buildings on the beach, will
19 they use those bathrooms as shelters, and I don't think --

20 JUDGE SMITH: All right.

21 MS. WEISS: -- that question has been asked.

22 JUDGE SMITH: Okay.

23 THE WITNESS: (Bonds) From my personal standpoint as
24 a planner, I indicated that we haven't established what the
25 criteria are for the selecting of the municipal buildings, the

1 state or local municipal buildings, whatever might be in that
2 area.

3 If we selected the criteria and somehow those
4 facilities were the only facilities that were there, and they
5 didn't match the criteria, my recommendation as a planner would
6 be, wait a minute, we blew this one. We're going to have to
7 back up and see where we go from here.

8 From the standpoint of the decisionmaker, if that's
9 all we have and the time is there, we have to do something. I
10 mean we've got to put these people someplace. It's either
11 there or leave them on the sand. They would be acceptable from
12 that standpoint.

13 But as a planner not having gone through the
14 selection process yet, I would go back to the decisionmakers
15 and say, this is the best we've got. Do we go with it or not,
16 and then it's a judgment then.

17 BY MS. WEISS:

18 Q So if you were faced with an ad hoc kind of
19 situation, you would use the bathrooms. But if you're going
20 through a planning process, you would not plan to use the
21 bathrooms; is that correct?

22 A (Bonds) I -- if we went through a planning process
23 and that was there at the top of the list, I would certainly
24 have to take a look and begin to ask questions, how long are we
25 expecting them to stay there, and begin to ask other questions.

1 On an ad hoc basis, if we had to do it tomorrow and
2 that's all there was, I would have to go with the
3 decisionmaker's judgment on that. You would use them.

4 Q Could we turn to Page 19 of the testimony, please?

5 Under the heading -- well, where you give the
6 circumstances under which shelter might be the protective
7 action of choice. Number one, "Dose savings: Sheltering could
8 be recommended when it would be the most effective option in
9 achieving maximum dose reduction." And then it goes on from
10 there.

11 Can you give me one hypothetical example of a
12 situation where that would be the case during the summer
13 months?

14 A (Callendrello) Where it would be or --

15 Q Where it would be the case that sheltering would be
16 the most effective action.

17 A (Callendrello) In general, assuming that we started
18 off -- I have a hard time coming up with a scenario that leads
19 us to the maximum dose savings, but the general characteristics
20 of such a release would be that no earlier actions had been
21 taken, either precautionary or early protective actions. The
22 release is of short duration and will arrive in the beach area
23 within a short amount of time. And we are in a situation where
24 there is a large beach population, close to the peak, so that
25 the evacuation time is significantly longer than the exposure

1 duration.

2 A (Bonds) I would add one criteria that Mr.
3 Callendrello left out. And that is that there is no
4 particulates in the release.

5 Q No particulates?

6 A (Bonds) No particulates in the release.

7 Q And why did you say that? Why did you add that?

8 A (Bonds) Well, if you're going to put them into
9 shelter and you're going to have to bring them back out and
10 move them someplace else because you've left -- there's
11 material on the ground you don't want them in, you certainly
12 get them out of there in the first place; don't have them be
13 safe for a short while and then expose them all over again.

14 A (Wallace) One other thing, I think, on that. The
15 criterion is that also you don't anticipate the release to be
16 lasting for a long -- you know, a prolonged period of time.
17 That would be added into a reason where your dose savings would
18 be more -- would be greater with shelter as opposed to
19 evacuation.

20 Q Strikes me that it would be awfully difficult to know
21 under these circumstances, particularly the duration of the
22 release. Are you confident of your ability to predict that?

23 A (Bonds) I think Mr. MacDonald has addressed that.

24 A (MacDonald) Your Honor, it's very difficult to
25 predict that particular quantity, and various sequences offer

1 various levels of confidence in making that prediction. It's
2 really hard to say.

3 Q But that would really be a key -- a key variable in
4 making this choice of protective action, wouldn't it be, in the
5 summer months and the circumstance that you described to me?

6 A (Callendrello) That is certainly one of the variable
7 that will affect the decision. There is a lot that are
8 important variable. Obviously, exposure, exposure rate would
9 be a key variable as well. So it is a variable that affects
10 the outcome of that calculation and that decision.

11 Q And I really gather that the purport of what you've
12 said in writing and what you've testified to over the last few
13 days is that if there is any serious uncertainty in your minds,
14 you've got to order the evacuation; is that correct?

15 A (Strome) I don't think there's any question. The
16 total thrust of our testimony is that evacuation is the
17 preferred option.

18 Q Under No. 2, consideration of local conditions, you
19 talk about considering impediments to evacuation as one of the
20 factors in determining whether the order sheltering order
21 evacuation.

22 What kind of impediments do you have in mind there?

23 A (Bonds) These would be physical impediments: fog,
24 snow, road conditions, bridge situations, highway
25 constructions.

1 Q Could you turn to Page 26 of the testimony, please?

2 MR. BISBEE: Twenty-six?

3 MS. WEISS: Twenty-six.

4 BY MS. WEISS:

5 Q And I want to direct your attention to the citation
6 by Aldrich, et al, the February '78 citation, which you cite in
7 support of your analysis of the use of various protection
8 factors as I understand it.

9 Is Aldrich, and in particular, this volume a commonly
10 accepted authority in this field, and particularly when it
11 comes to considerations bearing on the choice among protective
12 actions?

13 A (MacDonald) Ms. Weiss, there are two citations there
14 on that page.

15 Q Yes, I'm --

16 A (MacDonald) They are equally of acceptance in the
17 radiation protection community. Any study of that nature on
18 these kinds of accident sequences and the potential protection
19 from shelters are just part of the literature, and this is no
20 better or no worse than any of the other reports.

21 Q Well, you've cited --

22 A (Callendrello) I'd like to --

23 Q Go ahead.

24 A (Callendrello) -- make that even a little stronger.

25 And that is, that is the citation that is referred to in

1 NUREG-0654 under Element J-10-M, footnote to J-10-M.

2 Q It's one of three or four, I think, references
3 provided there.

4 A (Callendrello) That's correct.

5 Q And will you agree with me that Aldrich, et al., also
6 conclude that the time required to implement sheltering
7 significantly influences the effectiveness of that option?

8 A (Callendrello) I don't recall that there, but if you
9 could point me to a citation, I'll be glad to --

10 Q Well, it just so happens I can.

11 (Continued on next page.)

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58 1 A And if you can point me to it.

2 Q and if you turn to page 13.

3 A (Callendrello) I've got it.

4 Q Okay. And I'll read that sentence since we've all

5 got the document now.

6 MR. FLYNN: Excuse me, the copy that I have is only

7 numbered up to page nine.

8 MS. WEISS: Oh, you don't have page -- well, does

9 anybody -- can anybody share with you.

10 JUDGE SMITH: Won't work, Ms. Weiss.

11 MR. DIGNAN: That's tricky.

12 (Laughter)

13 JUDGE SMITH: We can share.

14 MS. WEISS: I don't know how that happened. Did you

15 have a full one?

16 JUDGE SMITH: Yes, I have a full one. Was that a

17 mistake.

18 MS. WEISS: No, that was all part of a nefarious

19 plot.

20 BY MS. WEISS:

21 Q Do the witnesses have 13?

22 A (Callendrello) Yes, we do.

23 Q Oh, thank heaven. All right.

24 Let's read it, it's the first sentence of the first

25 full paragraph on that page, quote: "The time required to

1 implement a sheltering/relocation strategy significantly
2 influences the effectiveness of each of the response strategies
3 discussed here." I can stop with that sentence. You'd agree
4 that what that says is that, the effectiveness of sheltering is
5 heavily influenced by the time required to get the people into
6 the shelters, wouldn't you?

7 MR. DIGNAN: Ms. Weiss, before the witnesses answer
8 the question, are you planning to offer the entire study into
9 evidence?

10 MS. WEISS: No, I'm not.

11 MR. DIGNAN: Then I object to the question as taking
12 a document totally out of context, taking one thought out of
13 context and putting the witnesses in an unfair situation. I
14 have no objection if we read the whole paragraph in and let the
15 record read that way or the Board accepts the entire study.

16 MS. WEISS: Well, I don't really mind. I thought
17 that not offering would save problems, but if you prefer to
18 have it or if you prefer to have the entire paragraph, I'm at
19 your --

20 JUDGE SMITH: Let's have the paragraph.

21 MS. WEISS: All right. Now, let me -- would you like
22 me to just read the remainder of the paragraph into the record?

23 JUDGE SMITH: All right.

24 MS. WEISS: "Ideally shelter-access by the public
25 would be accomplished prior to the arrival of the cloud of

1 radioactive material. If this cannot be accomplished, the
2 effectiveness (dose reduction) diminishes almost linearly with
3 increasing outside exposure time. Radiation exposure from
4 radionuclides deposited on the ground and other surfaces
5 continues long after cloud passage, and in many instances, in a
6 relatively short time results in a dose much greater than the
7 dose from the other exposure pathways. Therefore the time
8 interval between the cloud passage and the public relocation is
9 also very important and should be minimized," end quote.

10 MR. TURK: Your Honor, before we have -- well, I
11 don't know if there's a question pending but I would like to
12 request a few minutes to read through the document, since its
13 just been presented to us for the first time.

14 MR. DIGNAN: Is the question, is that of the
15 document?

16 MS. WEISS: No. The question is, whether they would
17 agree with that.

18 THE WITNESS: (Callendrell) I would agree with that
19 to the --

20 MR. TURK: Well, before you answer, could I have a
21 few minutes. I assume that that answer will -- I take it that
22 answer will -- consider it not given yet.

23 (Laughter)

24 MS. WEISS: Well, considered interrupted by you.

25 MR. TURK: Your Honor, I would ask Ms. Weiss if she

1 wants to make representation or if she would ask the witnesses
2 if they're aware what kind of a source term was used in this
3 study and whether it in fact relates at all to a possible
4 source term here.

5 MS. WEISS: You can ask that when you have an
6 opportunity. I don't believe that -- this is a generic
7 statement.

8 MR. DIGNAN: Well, Ms. Weiss, I was doing fine until
9 you said that. Now, if you're saying that this is a generic
10 statement, I'm going to object to the question unless you're
11 prepared to put the entire study into evidence.

12 Are you insisting that the witnesses are taking this
13 and it's being represented to them as a generic statement?
14 Because if you are, then I want -- I'm objecting until you
15 agree to put the whole study in evidence.

16 MS. WEISS: I have no problem putting the whole study
17 in evidence. It doesn't seem to me necessary. It's generic in
18 the sense that it's not specific to Seabrook. It is not
19 specific to any particular source term. I think the question
20 is easily answered by the witnesses if given an opportunity.
21 If you would wish to have this entire document, I'll be happy
22 to supply it.

23 MR. DIGNAN: I do. Thank you.

24 JUDGE SMITH: Now, the Board has its requirements,
25 too, now that you've that out. What is the purpose of this

1 paragraph, what are you using it for?

2 MS. WEISS: It's merely to establish that -- well,
3 the recognized authority in this field, one of three
4 authorities cited in NUREG-0654 and in section J, standard
5 J-10, that is choice of protective action, states that: "The
6 effectiveness of sheltering is heavily influenced by the time
7 required to get people into the shelters." That much is true.
8 And they've agreed with me that he is an authority, and we've
9 read in the statements that he made.

10 And the next question is, does the witness agree with
11 that; that's the pending question.

12 JUDGE SMITH: What's your complaint? I don't
13 understand what your complaint is, Mr. Dignan? I thought I
14 heard the witnesses yesterday, in essence, testify
15 substantially the way this paragraph reads.

16 MR. DIGNAN: Yes. I have no problem with that.

17 MS. WEISS: I don't think it's at all controversial.

18 MR. DIGNAN: I wasn't quarreling, once the paragraph
19 was read, I wasn't quarreling until we had some editorials that
20 this was generic and the witnesses had to take it that way.
21 And then I get the same problem Mr. Turk gets, when you start
22 picking out a study, throwing it in front of an expert witness,
23 and so the record later, when everybody has forgotten what
24 really went on here and who's looking at who and what, all it
25 reads at the Appeal Board is they were given this as a generic

1 statement, do they agree with it.

2 Now, if they're going to be asked if they disagree
3 with it in the contracts with Aldrich, I got no problem with
4 it.

5 MS. WEISS: Mr. Dignan --

6 MR. DIGNAN: I didn't have any problem with it until
7 she pinned the speech on the question.

8 MS. WEISS: Mr. Dignan, I did not choose the study.
9 The study was referenced by -- in your testimony.

10 JUDGE SMITH: Well, wait a minute.

11 MS. WEISS: And I'm certainly entitled to point out
12 that it has other parts to it.

13 MR. DIGNAN: I had no problem with your question
14 until you editorialized on what the statement was.

15 MS. WEISS: Well, the word "generic" is not in the
16 question now. If I understand that to be your objection, we
17 can pretend the word "generic" was never uttered; it is not
18 part of the question.

19 MR. DIGNAN: Well, then why don't we reask the
20 question and maybe the problem --

21 MS. WEISS: The witnesses agree.

22 JUDGE SMITH: Do you understand where you are,
23 because I don't?

24 (Laughter)

25 MR. DICNAN: The question, as I understand it, do the

1 witnesses agree with this paragraph.

2 JUDGE SMITH: What's your request?

3 MR. TURK: Let me explain what my problem was, I have
4 no objection to the question being asked and letting the
5 witnesses answer to the best of their understanding of the
6 document, and of the protection afforded by shelters in the
7 Seabrook area.

8 I'm not sure that the witnesses have indicated
9 they're familiar with the document.

10 MS. WEISS: They have indicated they're familiar with
11 the document; it's referenced in their testimony. We discussed
12 -- we established that five minutes ago.

13 JUDGE SMITH: But also, in fairness, it's referenced
14 for a different purpose.

15 MS. WEISS: Well, no, it isn't. It's referenced for
16 precisely the same purpose which is evaluating the
17 effectiveness of shelter. It is one aspect of shelter. One
18 aspect is, what's the quality of the building.

19 JUDGE SMITH: Right.

20 MS. WEISS: The other aspect is, how long does it
21 take the people to get there.

22 JUDGE SMITH: That I don't read there, but
23 nevertheless, I think that they have to concede having cited
24 that Aldrich is an authority. But that's not an issue, is it?

25 MR. DIGNAN: No, Your Honor.

1 MR. TURK: No, Your Honor. And my -- I don't want to
2 tip the witnesses, maybe -- could we have a bench conference.
3 May we approach the bench for a moment.

4 JUDGE SMITH: Well, I don't know why. I mean, of
5 course, I won't know why until you tell me, but do you really
6 have to have a bench conference over this?

7 This is a panel of people that is very competent to
8 say what they believe, say whether they agree or disagree with
9 it. If you have a special reason for a bench conference, we'll
10 have it, but I think that the panel has been signaled enough
11 that they're having some type of danger here and they better
12 watch --

13 MS. WEISS: It's really absolutely absurd, there's
14 nothing dangerous about it.

15 MR. TURK: Your Honor, I'm not saying there's any
16 danger at all. I have a reason in mind, I don't know -- I'm
17 not going to let the witnesses know what's on my mind because I
18 think it would be unfair to Ms. Weiss, and I'm willing to live
19 with it.

20 JUDGE SMITH: Overruled.

21 THE WITNESS: (Callendrello) Let me make sure I
22 still understand the question. We were asked if we agree with
23 this statement that's presented on page 13 in the first full
24 paragraph.

25

1 BY MS. WEISS:

2 Q Yes?

3 A (Callendrello) I agree with the statement to the
4 extent and to the significance that the authors of the document
5 attached to it, recognizing that in other parts of the document
6 in that same section, particularly on page nine, they're
7 indicated that there are other factors that contribute to a
8 large extent to the efficacy of a sheltering strategy, that is,
9 the type of structure as well as how long they remain there.

10 And in fact, the specific scenario that this
11 statement refers to is a sheltering relocation strategy which
12 may not be applicable in all cases that we're discussing here.

13 Q Well, I thought that, you know, when we discussed
14 this with Mr. Bonds one of the disadvantages of sheltering is
15 that you always have to eventually relocate the people; isn't
16 that correct?

17 A (Bonds) No.

18 Q Oh, you don't have to do that all the time?

19 A (Bonds) No, you do not.

20 JUDGE SMITH: Well, he was talking about a noble gas
21 type of puff release without particulate. Yesterday we talked
22 about, I thought, pretty much this situation, and I thought
23 they explained it and explained it consistent with the language
24 in this paragraph unless there's subtleties here that I've
25 missed.

1 MS. WEISS: I don't believe that there are, Your
2 Honor.

3 JUDGE SMITH: There's something I'm missing. I'm
4 missing something.

5 MR. TURK: May we approach the bench?

6 JUDGE SMITH: All right come on. One counsel from
7 each party.

8 (Bench conference)

9 JUDGE SMITH: The question -- what is the question?
10 Do you agree with this paragraph?

11 MS. WEISS: Right.

12 JUDGE SMITH: And we've agreed that we should direct
13 your attention to the portion of it which states: "Radiation
14 exposure from radionuclides deposited on the ground and other
15 surfaces continues long after cloud passages. In many
16 instances, in a relatively short time results in a dose much
17 greater than the dose from other exposure pathways."

18 We want you to bear in mind that that exists in
19 there. That's all. There's nothing mysterious really.
20 Nothing trick. It's just that they feel that, that aspect of
21 the question is material to the question and to the answer.

22 BY MS. WEISS:

23 Q And you understood that when you gave your answer,
24 Mr. Callendrello?

25 A (Callendrello) As I indicated, I didn't take that

1 statement in isolation, I considered when I indicated I agreed
2 that it was for a sheltering/relocation strategy which would be
3 utilized in the event that radionuclides would be deposited on
4 the ground, and that the timing that's referred to is the time
5 to implement the entire option, not necessarily just the
6 sheltering portion of it, but the entire option.

7 Q And does the State of New Hampshire have any estimate
8 of the time to implement the entire option for the 98 percent
9 of the beach population sheltering option?

10 A (Bonds) The entire option being --

11 Q What I understood Mr. Callendrello was saying was to
12 mean both the sheltering and the relocation; correct?

13 A (Callendrello) That's correct. The timing is
14 important in the event that you have an incident or an accident
15 that results in the deposition of radionuclides. And therefore
16 the timing that is important is the timing associated not only
17 with the time to implement the sheltering portion but also the
18 relocation portion.

19 Q Right. So we have to know how long it takes to get
20 people in and then how long it takes to get people back out;
21 correct?

22 A (Callendrello) When you say, get in, you mean into a
23 shelter, yes.

24 Q Yes.

25 A (Callendrello) As well as to remove them from the

1 area where dep ition has occurred.

2 Q Yes. Does the State of New Hampshire have any
3 estimates of how much time that will take?

4 A (Bonds) The State of New Hampshire, as explained
5 previously, would not consider -- I won't say would not, very
6 likely would not consider recommending shelter when there is
7 any potential for relocation afterwards through a radioactive
8 material.

9 We would be concerned of a period of exposure prior
10 to sheltering, and that's why we adopted the shelter-in-place
11 as opposed to another sheltering strategy.

12 Q Do you have any estimate of how long it would take to
13 get the people off the beach on a peak summer day into a
14 shelter?

15 MR. DIGNAN: I object. I recall at least 15 minutes
16 between the Attorney General and Mr. Bonds on this very subject
17 of how long it would take to get everybody from the beach to a
18 shelter. At least 15 minutes. Asked and answered.

19 JUDGE SMITH: It certainly seems to be very familiar
20 to me. I wouldn't want to estimate how much. Unless you have
21 a different type of question or you want the question --

22 MR. DIGNAN: By the way, that 15 minutes, Mr Lewald
23 wanted me to make clear on the record, it was length of
24 interrogation, that length of time to reach the shelter.

25 MS. WEISS: Well, I remember a range of five minutes

1 to a half an hour.

2 BY MS. WEISS:

3 Q Is that correct, is that your estimate of how long it
4 would take?

5 MR. DIGNAN: What we're saying is, it was asked and
6 answered and I object on that ground, Your Honor.

7 JUDGE SMITH: Well, Ms. Weiss would like to be
8 reminded as to what the answer was. It's a matter of courtesy.

9 MR. TURK: Your Honor, if that were the
10 characterization on the part of the testimony I have to object,
11 because those are not the numbers I remember.

12 MS. WEISS: Well, let's let the witness answer then.

13 MR. DIGNAN: Why don't we find the prior testimony.

14 JUDGE SMITH: Well, why don't we take an afternoon
15 break, 15 minutes.

16 (Whereupon, a 15 minute recess was taken.)

et/68 17 (Continued on next page.)

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1 MS. WEISS: Your Honor, I'm informed by my
2 colleagues that it is on the record, that estimates of the time
3 to get into shelter are on the record, so we will pass that and
4 go on to the next area.

5 BY MS. WEISS:

6 Q Could I take you to Appendix 2, Page 4 of 47?

7 THE WITNESS: (Bonds) Appendix 1.

8 MS. WEISS: That's the New Hampshire response to
9 FEMA.

10 JUDGE SMITH: Appendix 1.

11 MS. WEISS: I'm sorry. Appendix 1. Appendix 1, Page
12 4 of 47.

13 JUDGE SMITH: Ladies and gentlemen, I might explain a
14 change in our protocol this afternoon.

15 (Interruption from the audience.)

16 JUDGE SMITH: When the hearing was being conducted in
17 the legislative hall, the board did not object to signs in the
18 audience because of the way the witness table was located and
19 the parties were located.

20 In this room, however, as you can see, the witness
21 panel is facing the audience. And in any adjudication any
22 place in this country, no court, no judicial officer would
23 permit signs to be --

24 (Interruption from audience.)

25 JUDGE SMITH: -- flash'd at witnesses and suggestions

1 and intimidation. It is the distracting aspects of it that we
2 object to this time. So we will require in this instance that
3 no signs be waved from the audience.

4 Thank you.

5 BY MS. WEISS:

6 Q Do the witnesses have the page?

7 A (Callendrello) Yes.

8 Q About seven lines up from the bottom -- well, the
9 sentence that starts about 10 lines up from the bottom, "Third,
10 the state --

11 (Interruption from audience.)

12 JUDGE SMITH: Want to try again.

13 BY MS. WEISS:

14 Q "Third, the state feels that if a release of
15 radiation warranted movement of the public, they are much more
16 likely to be afforded meaningful dose reductions by moving out
17 of the EPZ than by moving to a shelter within the EPZ."

18 And I'd like you to tell me what you meant by the
19 phrase "meaningful dose reductions" in that sentence.

20 A (Strome) May we conference, please?

21 MS. WEISS: Yes.

22 (Witnesses confer.)

23 THE WITNESS: (Bonds) The phrase there, "afford a
24 meaningful dose reductions by moving out of the EPZ than by
25 moving to a shelter within the EPZ" is intended to mean

1 within -- it's intended to be relative to one action versus the
2 other; that you're going to get more dose reduction by moving
3 out away than by picking up and then stopping before getting
4 out of the EPZ and staying at a different shelter location.
5 That the more meaningful reduction is going to be gotten by
6 going outside, by evacuating all the way out than by evacuating
7 part of the way out, getting out of the vehicle, and going
8 inside.

9 BY MS. WEISS:

10 Q What's a meaningful dose reduction? Does it have any
11 quantitative range to it at all in your mind?

12 A (Bonds) Any dose reduction is going to be a
13 meaningful dose reduction.

14 Q Well, if I put the word "any" in place of the word
15 "meaningful", that sentence would make no sense now, would it?

16 A (Bonds) Yes, that sentence would make no sense if
17 you put "any" in front of "meaningful".

18 Q Well, it doesn't say that they would receive no dose
19 reduction by one strategy, and some dose reduction by another.
20 It says they are much more likely to be afforded meaningful
21 dose reduction by moving out of the EPZ.

22 Now, can you give me any content whatsoever to the
23 phrase "meaningful"? Is it anything at all? Any dose
24 reduction is meaningful?

25 A (Strome) There is no empirical definition of

1 meaningful, no.

2 Q How about in your mind? Those are your words.

3 A (Strome) Those are my words?

4 Q That's the state response to FEMA.

5 A (Strome) I understand. What I'm saying is that we
6 have not ascribed a specific empirical definition to
7 meaningful.

8 Q How about an unempirical definition?

9 A (Strome) Well, those are your words, counselor.

10 Q Well, any kind of definition.

11 A (Strome) I think Mr. Bonds pointed out that those
12 are relative terms.

13 Q Could we go to Figure 2.6-7? That's Attachment 2,
14 Page 3 of 12. The decision criteria for selecting between
15 evacuation and sheltering recommendations.

16 A (Callendrello) Okay, I've got that.

17 Q Okay. The witnesses have that?

18 A (Bonds) Yes.

19 Q All right. We get fairly quickly to the choice --
20 well, let's just pass through this.

21 You start at Step 1, and do the projected doses. And
22 if they exceed the PAGs for thyroid or whole body, then you
23 take an immediate action which is to recommend that the
24 Department of Agriculture place dairy animals on stored feed,
25 correct?

1 A (Bonds) Yes.

2 Q And then we go to -- is that Block 2 where it says
3 "2" over on the side of that diamond in the middle?

4 A (Bonds) Yes.

5 Q All right. And then you ask yourselves whether
6 evacuation can be completed prior to plume arrival.

7 And my question to you is, plume arrival at what
8 point?

9 A (Bonds) Can evacuation be done before the
10 population -- can evacuation be done to get the population out
11 of there before the plume arrived where the population is. And
12 if you have a community in mind, can you evacuate that
13 community before the plume arrives at that community.

14 Q Well, when you are going through this analysis,
15 presumably you have all communities in mind within the EPZ.

16 A (Bonds) We have all communities in mind within the
17 EPZ, yes, but it depends a great deal upon the nature of the
18 accident, the weather conditions at the time. If the wind is
19 blowing straight in one direction, yes, you have everything
20 else in mind, but your area of immediate concern is what's
21 downwind.

22 Q So it would be before the plume arrives at the first
23 group of population?

24 A (Bonds) Well, the area that's most immediately
25 affected downwind. That's the reference location that we had

1 talked about before, whether it's two, five or 10 miles
2 downwind from there; whatever it is that you wanted to use as a
3 reference there.

4 Q So you would do the calculation? Would you do
5 several calculations? One for two, one for five, and one for
6 10?

7 A (Bonds) You could do several calculations, yes.

8 A (Callendrello) I think we indicated yesterday that
9 the procedure states that a separate form should be filled out
10 for each area -- each distance of interest.

11 JUDGE SMITH: Mr. Callendrello, I'm informed that
12 you're too far away from the amplifying microphone to be heard
13 in the rear of the room. Would you try to remember to bring it
14 over?

15 THE WITNESS: (Callendrello) Sure. Would you like
16 me to repeat that?

17 JUDGE SMITH: Would you, please?

18 Could you hear him all right?

19 Well, I guess you could be heard.

20 BY MS. WEISS:

21 Q Let's assume that we've done this calculation for the
22 two-mile reference point. Am I correct that that would be the
23 one you would look at first if you're talking about during the
24 summer months?

25 A (Bonds) Yes.

1 Q All right. So we've done that calculation, and the
2 answer to that question is, no, evacuation can't be completed
3 prior to plume arrival.

4 We then go down into Block 3, correct?

5 A (Bonds) Yes.

6 Q And we then ask ourselves can any action begin before
7 the plume has passed. And now my question is, passed where?

8 A (Bonds) Passed over the population.

9 Q So passed the two-mile point?

10 A (Bonds) Yes. I mean before that two-mile point is
11 enveloped in the plume is the intent there.

12 Q Okay. And if I wanted to see exactly how you do that
13 in more detail, would I go back to Block 3? Is that where
14 that's described, on Page 8 of 12?

15 A (Bonds) Yes.

16 Q Now, if there is insufficient time to begin either
17 protective action, what do I do? Do I just tell the people not
18 to do anything, or not say anything?

19 A (Bonds) If there is insufficient time to begin
20 either protective action, then you have to begin considering
21 which protective action is going to afford the greatest dose
22 savings for the greatest number of people.

23 A (Callendrello) I want to make sure that this is
24 clear.

25 In this block, the question is, can any action begin

1 before the plume has passed. Passed means come and gone.

2 Q And if the answer is that we can't evacuate, we can't
3 begin to evacuate before the plume has passed, does the
4 decision criteria indicate that we would recommend a shelter,
5 if you look back at the Figure 2.6-7?

6 A (Callendrello) Yes, that's what the figure shows.

7 Q If we can't begin ^{either} before the plume has passed, we're
8 going to take one of those actions. We're just going to decide
9 which will, in your words, afford the maximum dose savings to
10 the largest number of people and order that, correct?

11 A (Bonds) Yes.

12 MS. WEISS: I think I'm finished. Let me just check
13 through here.

14 No further questions.

15 CROSS-EXAMINATION

16 BY MR. BACKUS:

17 Q Good afternoon, gentlemen. I am Robert Backus with
18 the Seacoast Anti-Pollution League.

19 The areas that I originally intended to cover have
20 been well covered, so I just have a very few clarifying
21 questions.

22 Mr. Bonds, I believe you testified on a questioning
23 by Attorney Brock that the state had for a long time held the
24 judgment that there was adequate sheltering in the event that
25 needed to be or was recommended to be the protective action in

1 the event of an accident; is that right?

2 A (Bonds) And that were the recommendation.

3 Q Yes.

4 A (Bonds) Yes.

5 Q You said, I think, in fact that that went back as far
6 as the first plan which was called Rev. 0, which was submitted
7 in December of '85?

8 A (Bonds) For as long as I've been involved in the
9 planning process since the summer of '83, shelter-in-place has
10 been there, yes.

11 Q Yet, you do recall, do you not, that in Rev. 2, which
12 was submitted in August of '86, at Page 2.6-7 of Volume 1, the
13 plan stated, "Sheltering may not be considered a feasible
14 protective action on the seacoast beaches during the summer."

15 A (Bonds) That's true, sir.

16 Q And that statement is no longer in the plan as most
17 recently amended, as I understand it; is that correct?

18 A (Bonds) I haven't seen the most recent amendments to
19 that. But if you represent that that's what's there, I will
20 accept that.

21 Q Well, in any event, when the plan did contain that
22 language, the state already held the judgment that there was
23 adequate shelter in the event that was the protective action
24 that was needed.

25 A (Bonds) Yes.

1 Q Well, let me ask Mr. Strome. Why was that sentence
2 included that sheltering may not be a feasible protective
3 action in prior additions on this point?

4 A (Strome) I think at that time, as is the case now,
5 that we felt that evacuation was the preferred option.

6 Q But would it be correct to say that at all times the
7 state has considered it to be -- sheltering, that is -- to be a
8 feasible protective action even though not likely to be the
9 preferred action?

10 A (Strome) I can't answer that question. I wasn't
11 present during the Gallen Administration when the plans were
12 formulated; at least the beginning portion of them.

13 Q Well, you were certainly in office with Rev. 2 was
14 formulated and presented.

15 A (Strome) But that wasn't your question, counselor.

16 Q All right. Well, let's redirect the question toward
17 Revision 2 of 8-86.

18 A (Strome) Okay. I think that I've already answered
19 the question. I think that the state has held for quite
20 sometime and still holds that evacuation is the preferred
21 option.

22 Q Now, you were just discussing with Attorney Weiss the
23 decision block diagram which is Figure 2.6-7 on Attachment 2,
24 Page 3 of 12 in the prefilled testimony. And you were being
25 directed toward the third diamond-shaped decision block where

1 the question is asked, can any action begin before the plume
2 has passed. And then if the answer to that is yes, you go on
3 to further choices between -- choice criteria between shelter
4 and evacuation; is that right?

5 A (Bonds) Yes.

6 Q And, Mr. Bonds, if the answer to that is no, it
7 indicates that you go to conduct monitoring and
8 decontamination; is that right?

9 A (Bonds) Yes, it is.

10 Q In other words, in that situation there would be no
11 further decisions to be made, no protective action to be
12 recommended or implemented, right?

13 A (Strome) May we conference, please?

14 MR. BACKUS: Okay, and the record will show that you
15 are conferencing. Go ahead.

16 THE WITNESS: (Strome) Thank you.

17 (Witnesses confer.)

18 THE WITNESS: (Bonds) If I understand your question,
19 does the phrase "conduct monitoring and decontamination"
20 represent the only options that the state would exercise at
21 that time.

22 BY MR. BACKUS:

23 Q Yes, if you had been unable to take protective action
24 and the plume has passed.

25 A (Bonds) I think that represents the minimum option

1 that the state would take at that time. If it's passed, you
2 are certainly going to begin the monitoring. Based upon what
3 you've identified, what you've discovered in the monitoring,
4 you begin the decontamination. You may also take other steps
5 that are there in terms of potentially relocation if you need
6 to, but this is a chart intended to show the decision criteria,
7 hopefully before you -- long before you get to that block, but
8 you can't rule out that events may pass you by and you have to
9 move on.

10 Q And am I correct, Mr. Bonds, that so far as the state
11 is concerned monitoring and decontamination are not protective
12 actions.

13 A (Bonds) In advance of -- in the strict definition,
14 that's right, sir.

15 (Continued on next page.)

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1 Q In fact, if I'm reading this correctly, at page
2 eight of Attachment 2 under the description of the decisions to
3 be made at Block 3 you're saying, quote, this is about the
4 middle of the paragraph: "In this case DPHS must advise that
5 corrective rather than protective action, (i.e., monitoring and
6 decontamination) should be taken."

7 A (Bonds) Yes.

8 Q Correct?

9 A (Bonds) Yes.

10 Q I have a question for Mr. Callendrello. The
11 evacuation time estimates that are incorporated in the
12 attachments to the prefiled testimony is a series of tables,
13 are those the most up to date and current evacuation time
14 estimates?

15 A (Callendrello) Yes.

16 Q And believe to be the most reliable and accurate time
17 estimates the decisionmaker should use?

18 A (Callendrello) Yes.

19 Q Mr. Bonds or perhaps Mr. Strome. If evacuation of
20 the beach areas is ordered will sheltering ever be recommended
21 within the, what I guess is called the A-ERPA emergency plan,
22 what does that stand for?

23 A (Callendrello) Emergency Response Planning Area.

24 Q Emergency Response Planning Area, thank you.

25 MR. BACKUS: May the record reflect the state

1 witnesses are conferring.

2 (Witnesses conferring)

3 THE WITNESS: (Bonds) If an evacuation is ordered
4 for the beach population the evacuation would be for the entire
5 area that's there. We would not try to give conflicting orders
6 to the same population at the same time. For example, if
7 you're on the beach and you don't live here evacuate, if you do
8 this or if you live across the street go home, we would not try
9 to do that. We'd avoid that at all cost. We don't want
10 conflict confusion.

11 BY MR. BACKUS:

12 Q My understanding is that emergency response planning
13 area or ERPA-A is the Towns of Seabrook, Hampton and Hampton
14 Beach; is that correct?

15 A (Strome) Hampton Falls.

16 Q I'm sorry, Hampton Falls, thank you, Mr. Strome.
17 So that's one planning area?

18 A (Bonds) Yes.

19 Q And the question I asked was, if the beaches are
20 being ordered to evacuate is there any circumstances under
21 which those towns that are in that A planning area, would be
22 asked to shelter?

23 MR. BACKUS: May the record show the witnesses are
24 again conferring.

25 (Witnesses conferring)

1 THE WITNESS: (Bonds) If the instruction is given
2 all at the same time, because that's what's important for that
3 two-mile area, it's important for the entire two-mile area, not
4 just the beaches within it, we would recommend for the beaches
5 the same thing we would recommend for the population that's
6 there. Again, we don't make the decisions on the basis of who
7 you are, but rather where you are, regardless of the reason
8 that you're there.

9 BY MR. BACKUS:

10 Q Well, I understand that. And I guess I'm asking, I
11 understand that you want to have consistent instructions for
12 people that --

13 A (Bonds) Yes.

14 Q -- live in approximately similarly geographic
15 situations. I guess my question is, is the area in which
16 you're going to be consistent, is it the two-mile ring or is it
17 these emergency planning response areas?

18 A (Bonds) It's going to be --

19 MR. BACKUS: And the witnesses are again conferring.

20 (Witnesses conferring)

21 THE WITNESS: (Bonds) It's going to be for the
22 communities. Mr. Strome has pointed out that we don't depend
23 on an individual to know whether they live within a ring or
24 outside of a ring. If they live within a community the
25 recommendation will be for that community, even though some of

1 it may fall outside of the two mile area.

2 BY MR. BACKUS:

3 Q So the answer to my question is, if the beaches are
4 being asked to evacuate, because the beaches are part of
5 planning region A.

6 A (Bonds) Yes.

7 Q That entire planning region will also be advised to
8 evacuate; is that correct, Mr. Strome?

9 A (Strome) That's correct.

10 Q Do the citizens within each of these towns, in this
11 case, Hampton Falls, Hampton and Seabrook know that they're in
12 emergency region planning area A?

13 A (Bonds) No, they probably do not. But then the
14 recommendations are going to be given with regard to the
15 communities not with regard to a region or a planning area A.

16 I'd like to add a clarification, if I could, in terms
17 of what your previous question was. If there is an evacuation
18 that takes place at the precautionary stage for the beach
19 population and that evacuation is in fact completed long before
20 any other action needs to become necessary for a protective
21 action, that is a protective action evacuation, the beach
22 population has gone; there is the possibility then that that
23 area could very well be sheltered. But again, that's a two
24 step process precautionary versus protective; I don't want to
25 leave any confusion there.

1 Q Right.

2 Gentlemen, Attorney Weiss asked you about and I don't
3 remember whether it was marked or not, but in any event this
4 study referenced in your testimony by Aldrich entitled "Public
5 Protection Strategies for Potential Nuclear Reactor Accidents,
6 Sheltering Concepts with Existing Public and Private
7 Structures." I don't know which of you is most familiar with
8 that, but doesn't that in fact indicate that certain types of
9 structures as opposed to other types of structures can offer
10 very significant dose reduction savings in the event of an
11 accident?

12 A (Callendrello) Yes. In table one of that document
13 which refers to shielding factors from cloud -- gamma cloud
14 sources, yes, there is a range of shielding factors based on
15 the type of construction and the size of the building.

16 Q And doesn't this study also recommend that, generally
17 speaking, because I guess the climate around this part of the
18 nation that the housing stock here tends to have -- permanent
19 housing stock tends to have pretty good dose reduction factors,
20 that is, we tend to have a lot of wood frame houses with
21 basements; is that correct?

22 A (Callendrello) Yes.

23 Q Indeed, on page 17, if everybody has now got an
24 edition that goes up to page 17, there's a table five entitled
25 "Regionally Average Shielding Factors for Sheltering at

1 Location."

2 Am I correct that that generally indicates that the
3 shielding factor for sheltering in the Northeast is generally
4 superior to many other regions in the country?

5 A (Callendrello) Generally, yes. This table indicates
6 a regionally average shielding factor, yes.

7 Q And you would recognize, would you not, Mr. Strome,
8 that many of the people within say, regional planning area A,
9 Hampton Falls, Hampton and Seabrook would have houses that
10 would offer considerable dose reduction factors; would they
11 not?

12 A (Strome) I know that there's not -- the average dose
13 reduction factor of all buildings is certainly different from
14 the individual ones, yes, I understand that.

15 Q And in the areas outside the beach area wouldn't you
16 expect that the dose reduction factors for the structures would
17 generally be higher than they would be for structures on the
18 beach?

19 A (Strome) That's outside my area of expertise, but I
20 would make that assumption and would like to check it
21 empirically before I agree to absolutely.

22 Q Anybody care to disagree with that characterization,
23 in all probability on an average the structures used as
24 residences outside of the beach area probably have greater dose
25 reduction factors than those cottages and so forth that are

1 right on the beach strip itself?

2 A (Callendrello) I'm not sure I agree with that.

3 A (Strome) I get -- the rest of the state delegation
4 tells me that the yearround buildings at the beach would
5 probably be the same as those that are off the beach -- the
6 barrier beach area. So from that standpoint, I guess I stand
7 corrected. I did point out that that's outside my area of
8 expertise.

9 Q But you would agree, wouldn't you, Mr. Strome or the
10 others here on this panel, that there are far more on the
11 average unwinterized structures in the beach area without
12 basements than there tend to be, if you'll excuse the
13 expression, on the mainland?

14 A (Strome) I don't have that empirical data, but I
15 think that's a reasonable assumption.

16 MR. BACKUS: Thank you.

17 JUDGE SMITH: Any further examination by Intervenors?
18 Ms. Mitchell, do you have --

19 MS. MITCHELL: I just had one question.

20 CROSS-EXAMINATION

21 BY MS. MITCHELL:

22 Q I believe it'd be directed to Mr. Strome. On,
23 beginning on Monday with Mr. Traficonte you mentioned that you
24 had some potential shelters that would consist of public and
25 municipal buildings in the Hampton Beach area, and we discussed

1 that more as the days went on. Do you know whether or not
2 these buildings are public buildings in the sense that they're
3 owned by the community or whether or not they're privately
4 owned and perhaps leased by the community?

5 A (Strome) I can't answer that question, I don't know.

6 Q Okay, thank you.

7 MS. SNEIDER: I have two questions to followup to Mr.
8 Brock's line of questioning.

9 RESUME CROSS-EXAMINATION

10 BY MS. SNEIDER:

11 Q I believe you stated in response to Mr. Brock that
12 the state may decide not to include all the buildings that
13 Stone & Webster listed in their study as potential shelters?

14 A (Bonds) That's a fair characterization, yes.

15 Q The state has no intention to label any of the public
16 buildings in the beach area to indicate that they may be used
17 as shelters, do they?

18 A (Strome) May we conference, please.

19 (Witnesses conferring)

20 THE WITNESS: (Bonds) As I said before, at this time
21 until we've actually done our own study as to what's available
22 or not available. we have not made any decision to label
23 anything or to not label it.

24 BY MS. SNEIDER:

25 Q Well, assuming, since you've no present intention to

1 label these buildings, the state does not include all of the
2 buildings that Stone & Webster included, how would the beach
3 area transients know which buildings that they are to shelter
4 in?

5 A (Bonds) I think what you pose is a logical question.
6 Given that we haven't done our study yet, we're going to have
7 to make some provision that if we find that there are buildings
8 that clearly the state does not believe to be acceptable, we're
9 going to have to deal with, what do we do then. I don't think
10 we can rule out the possibility that the decision may be that
11 they're going to have to be somehow designated, perhaps, not
12 acceptable as opposed to labeling others acceptable. We just
13 have not gotten to that level of detail yet in terms of doing
14 it. We just haven't done any study yet.

15 Q Well, do you think a commercial establishment in that
16 area would allow you to put a designation on their building
17 saying, this building is not acceptable?

18 A (Bonds) I prefer to be a long way away when this
19 gets done.

20 Q Just one question for you, Mr. Callendrello.

21 I believe you stated in response to Mr. Brock that
22 sheltering would provide adequate protection for the beach
23 population because you do the best you can with what you have;
24 is that right?

25 A (Callendrello) That's my understanding of the

1 requirements for sheltering, yes.

2 Q So would it be the case that if there were no
3 shelters available that that would also provide adequate
4 protection?

5 A (Callendrello) What that would indicate is that when
6 you do the tradeoff between maximum dose savings and when you
7 look at the shelter side of the equation, it comes up with no
8 dose savings. When you look at the evacuation side it comes up
9 with some dose savings. Therefore in that case, the evacuation
10 action --evacuation side would provide the maximum dose savings
11 and that would be the recommended protective action.

12 Q And that would be, in your opinion, therefore the
13 population would be provided adequate protection because it's
14 the best -- you're doing the best you can with what you have?

15 A (Callendrello) You're doing the best you can -- yes,
16 that's right.

17 Q Okay.

18 A (Callendrello) Yes.

19 JUDGE SMITH: Mr. Flynn?

20 MR. FLYNN: I have no questions, thank you.

21 JUDGE SMITH: Mr. Turk?

22 MR. TURK: I have a few followup clarification
23 questions. I would ask them from here, I don't know if the
24 witnesses can see me with Mass. AG sitting at the table. All
25 right, why don't I move to that table.

1 I thank Massachusetts for agreeing to share a table
2 with me.

3 (Laughter)

4 CROSS-EXAMINATION

5 BY MR. TURK:

6 Q Gentlemen, my name is Sherwin Turk, I'm an attorney
7 with the NRC staff. I have only a few questions to ask you by
8 way of followup to some questions that Intervenors had asked
9 previously.

10 First, Mr. Callendrello, there was some discussion
11 two days ago, May 3rd, concerning the planning basis, and I
12 wanted to see, first of all, whether it's your understanding
13 that NUREG-0654 guides you to consider particular accidents or
14 accident sequences in developing emergency plans?

15 A (Callendrello) No, it's my understanding that NUREG-
16 0654 does not require you to consider particular accident
17 sequences in designing emergency plans.

18 Q Is it fair to say then that in questioning, in which
19 the use of the phrase "core melt accidents" came up, and
20 whether or not the planning basis had to include or did include
21 core melt accidents, that you're referring to what NUREG-0654
22 included in the planning basis within that document?

23 A (Callendrello) That is correct.

24 Q Just one last question in that regard. I take it
25 it's true then that neither New Hampshire Yankee nor the state

1 considered particular accident sequences in developing
2 emergency plans?

3 A (Callenorello) Speaking for New Hampshire Yankee,
4 that is correct.

5 A (Strome) And the state's position is the same.

6 Q The rest of these questions will relate to
7 questioning earlier today, and this is to Dr. Wallace. There
8 was a question concerning the meaning of a .9 dose reduction
9 factor, and at one point I believe you agreed that .9 dose
10 reduction factor is equivalent to being outdoors 54 minutes out
11 of the hour; do you recall that line of questioning?

12 A (Wallace) I do recall the line of questioning and
13 some confusion about the 54 and the 6.

14 Q If I'm correct that the transcript indicates that you
15 agreed, this .9 dose reduction factor is equivalent to being
16 outdoors for 54 minutes, should I assume also that you -- that
17 implicit in your question -- I'm sorry, implicit in your answer
18 was an assumption that the plume was constant in its content
19 with speed and general character?

20 A (Wallace) Yes, that's correct. And I think I made
21 some -- I had a brief discussion of that, given some parameters
22 and we discussed some of that. But, yes, that was given
23 constant -- that's what it meant. Everything the same for an
24 hour.

25 Q Okay. And just one clarifying question in that

1 regard. When we refer to this .9 dose reduction factor, are we
2 talking about anything more than the cloud shine protection
3 factor? Do you know or I'll let you pass to Mr. MacDonald, if
4 you like?

5 A (Wallace) Maybe Mr MacDonald can supplement that.
6 But certain'y cloud shine is the major consideration. I have
7 to think whether we're referring also to ground shine. But
8 primarily cloud shine is what you're considering in the dose,
9 you know, in the DRF.

10 Q Mr. MacDonald?

11 A (MacDonald) Dr. Wallace is correct, there is cloud
12 shine protection afforded by the structures as well, but the
13 intent from the planning basis is from a cloud shine basis, the
14 .9 protection factor is adopted.

15 Q That's the reference, .9 refers to the cloud shine?

16 A (MacDonald) Cloud shine, that's correct.

17 Q I believe Mr. Bonds indicated previously, and this
18 concerns the testimony on page 19, in the bottom portion of
19 that page you have listed certain circumstances in which
20 sheltering might be considered. And in discussing this earlier
21 today I believe you mentioned that one instance in which
22 sheltering might be considered is if there were impediments
23 during evacuation, and you gave various examples including fog,
24 snow, bridge conditions, road conditions, highway construction,
25 as I recall. And I wanted to get a clarification with respect

1 to your use of the term "bridge constructions -- bridge
2 conditions or road conditions," could you explain what you
3 meant by that?

4 A (Bonds) Well, if you're going through a major
5 exercise of putting a four lane road in and making a -- turning
6 a two lane road into a four lane road, you're obviously --
7 there's problems in moving traffic through it, it's not going
8 to be a smooth process. If those are sitting at key locations
9 and you know that you're creating a situation that's going to
10 tremendously hamper evacuation, then you're going to have to
11 take a good hard look at whether or not it's worthwhile
12 continuing that process.

13 Q Let's hypothesize that it's a hot summer weekend day,
14 mid-afternoon, large beach crowd and you have queue of cars in
15 the evacuation process. Did you mean to include that in the
16 use of the words, "Highway conditions?"

17 A (Bonds) No, I don't believe so.

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18 (Continued on next page.)

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1 MR. TURK: Your Honor, I have nothing further.

2 JUDGE LINENBERGER: A couple of brief points by way
3 of clarification.

4 If I remember correctly, those structures included in
5 the Revisions 1 of the Stone & Webster study were selected,
6 among other reasons, because they provided at least, and I
7 think this language is used somewhere, a 0.9 dose reduction
8 factor.

9 Is that a proper recap so far?

10 THE WITNESS: (Callendrello) Yes, that's correct.

11 JUDGE LINENBERGER: From photographic observations or
12 from information that I have been exposed to, I have the
13 impression that there may be some structures in the Stone &
14 Webster listing -- still speaking of Revision 1 of August
15 '87 -- that do better than 0.9. I don't know this to be a
16 fact. I only surmise it.

17 Can anybody authoritatively assure me that this is
18 so, or tell me that this is so?

19 THE WITNESS: (Callendrello) To the best of my
20 knowledge, Your Honor, that is so. If you would like, I can
21 ask Mr. Bell who is the author of both of those studies, and he
22 can confirm that.

23 JUDGE LINENBERGER: All right, let me go one step
24 further before we get Mr. Bell into the act, and I have no
25 objection to his comments here, but I'm leading up to something

1 a little beyond that.

2 That would say to me, just looking at the arithmetic
3 of the situation, that the average dose reduction factor for
4 all structures listed in the Stone & Webster study on the
5 average will be less than 0.9.

6 Is that a correct conclusion to draw.

7 THE WITNESS: (Callendrello) Yes, it is.

8 JUDGE LINENBERGER: Let's take it one step further.

9 If we, instead of talking about structure, talk about
10 numbers of people shelter units, these presumably being 10-
11 square-foot units, then I would conclude that the average dose
12 reduction factor across all people shelter units covered by the
13 Stone & Webster report would have a dose reduction factor on
14 the average less than 0.9.

15 Is that true?

16 THE WITNESS: (Callendrello) Yes, it is.

17 JUDGE LINENBERGER: And the last step in this process
18 is to ask, and here I think I'll direct the question to --
19 well, I direct it to Mr. Callendrello and he can -- I care not
20 who answers.

21 Has a determination been made as to approximately
22 what is that average dose reduction factor for however many
23 structure people sheltering units there are included in the
24 Stone & Webster report?

25 THE WITNESS: (Callendrello) Sir, I'm not aware of

1 any. I can ask Mr. Bell, but I'm not aware of any.

2 JUDGE LINENBERGER: Mr. Bell, are you aware?

3 THE WITNESS: (Bell) No, but we provided the
4 information to the client in case they did want to do that.

5 JUDGE LINENBERGER: Do I understand correctly then
6 that average value is something that can be determined from
7 information in existence right now?

8 THE WITNESS: (Bell) Yes.

9 JUDGE LINENBERGER: Okay, let's -- but there is no
10 estimate of how much below 0.9 that average value might be; is
11 that correct?

12 THE WITNESS: (Callendrello) That is correct.

13 JUDGE LINENBERGER: Okay. Now let's change the
14 subject.

15 Again in conjunction with, at least today, some
16 photographic information, and at other times this week, there
17 have been some comments about the number of air changes per
18 hour that one might expect to experience within a given
19 structure. And I think I've heard the figure of two air
20 changes per hour having been quoted as a representative value.

21 My problem is that I can see air changes cutting both
22 ways. If there is no change of air, people sheltered in a
23 structure with no change of air at some point in time, and I
24 don't relate this to cloud passage in any quantitative way, but
25 at some point in time they're going to find it getting awfully

1 stuffy in there.

2 If there is a large number of changes of air or easy
3 flow rate of air through the building, the people sheltered in
4 that building may very well find inflicted upon them
5 radioactive particulates brought in by air current movements.

6 So I ask the question in view of these two opposing
7 kinds of things, discomfort on the one hand and potential for
8 contamination on the other hand, is the two air changes per
9 hour an attempt to somehow compromise between those two
10 undesirable ends of this spectrum, or what is it?

11 And perhaps I should ask that question of Mr. -- I'm
12 sorry, I have forgotten your name for the moment.

13 THE WITNESS: (MacDonald) MacDonald.

14 JUDGE LINENBERGER: MacDonald. Forgive me sir.

15 THE WITNESS: (MacDonald) As I think I demonstrated
16 this morning, I'm not a heating and ventilation engineer.

17 JUDGE LINENBERGER: Fair enough.

18 THE WITNESS: (MacDonald) But incorporated into the
19 decisionmaking criteria of the New Hampshire plan is an air
20 exchange rate of two changes per hour. You are correct in that
21 citation.

22 There was a choice to make, based on the larger
23 algorithm that applies to that concept of interior dose from an
24 air change situation, and the value of two air changes per hour
25 was selected as representative of the types of structures that

1 would be used for shelters in the Seabrook Station EPZ area.

2 I'm not aware of any balancing -- maybe the state can
3 comment further -- I'm not aware of any balancing between the
4 two extremes that you represented.

5 You're true and you're correct in the fact that that
6 kind of balancing is involved in making that air change
7 selection. I can't represent anything further than that
8 actually, and I don't know whether the state can add whether
9 there was any balancing act that was --

10 JUDGE LINENBERGER: Can any of you gentlemen provide
11 guidance here on this point?

12 THE WITNESS: (Callendrello) One point of
13 clarification.

14 The number of air changes per hour reflects into --
15 is reflected in the inhalation dose reduction factor that has
16 been assigned to what is in essence some of the worst
17 structures on a par with the dose reduction factors of 0.9
18 selected for whole body.

19 And that is, we would expect any if not all of the
20 structures to have at least as good an air exchange rate and
21 consequently an inhalation dose reduction factor as that.

22 So it is selected to provide a boundary so that we
23 can make a dose -- a protective action assessment and come up
24 with a protective action recommendation.

25 JUDGE LINENBERGER: I hear your words, but I think I

1 have a problem with your message.

2 You say at least as good as that, and I presume the
3 "that" you're talking about is the two air changes per hour.
4 But when you say at least as good as that, I get confused,
5 because is "good" with reference to people not feeling too
6 stuffy too soon? Or is "good" with reference to people not
7 having a source of inhalation?

8 (Board confers.)

9 THE WITNESS: (Callendrello) Good in the terms that
10 I'm using it means fewer air changes per hour which would
11 reduce the amount of mixing of outside air with inside air over
12 time.

13 JUDGE LINENBERGER: Back to you, Mr. MacDonald.

14 Did I understand an earlier comment of yours to say
15 that rather than choosing two on the basis of balancing, two
16 was the result of sort of an average expectation for the
17 structures in the Stone & Webster survey?

18 I thought I heard that from you, but I'm not sure.

19 THE WITNESS: (MacDonald) Yes, you did hear that
20 from me, and that -- the reference on that is an EPA guidance
21 document. Actually it's the EPA PAG manual, and there is a
22 page reference, 1.38, that expresses the dose reduction factor
23 internal to a structure based on an air exchange rate.

24 And then using that expression evaluated at two air
25 changes per hour, I've just worked out some mathematics that

1 shows on topical New Hampshire state plan usage of shelters,
2 typical time frames on the order of one to four hours, we're
3 dealing with potential factors internal that are equivalent to
4 the .9 external.

5 JUDGE LINENBERGER: Thank you, gentlemen.

6 JUDGE SMITH: Mr. Lewald?

7 MR. LEWALD: No redirect.

8 JUDGE SMITH: Any questions on Judge Linenberger's
9 questions?

10 MS. SNEIDER: I have some questions.

11 JUDGE SMITH: You do?

12 RE CROSS EXAMINATION

13 BY MS. SNEIDER:

14 Q The Stone & Webster study prepared in March 1986
15 contained, to the best of your knowledge, all the available
16 space that had in excess of .9 dose reduction factors; is that
17 correct, or better dose reduction than the .9?

18 JUDGE SMITH: .9 or more.

19 MS. SNEIDER: Provided better shielding.

20 THE WITNESS: (Callendrello) The March 1986 Stone &
21 Webster report indicated gross space and adjusted gross space
22 in buildings that had a shielding factor that was numerically
23 lower. In other words, provided better dose reduction than .9.

24 BY MS. SNEIDER:

25 Q Okay. And --

- 1 JUDGE SMITH: Better than or .9 and better?
- 2 THE WITNESS: (Callendrello) No, better than .9.
- 3 JUDGE SMITH: Better than .9.
- 4 THE WITNESS: (Callendrello) Equivalent to masonry
5 or wood frame with a basement.
- 6 JUDGE LINENBERGER: But I think there still may be a
7 semantic hang up here.
- 8 Better than .9 means less than .9, I believe.
- 9 THE WITNESS: (Callendrello) Yes, it does.
- 10 JUDGE LINENBERGER: Thank you.
- 11 BY MS. SNEIDER:
- 12 Q Okay, and do you have that study with you, the March
13 1936 study?
- 14 A (Callendrello) No, I don't.
- 15 Q Well, if you would like, I'll give you the study.
16 I've written down the figure.
- 17 A (Callendrello) Okay.
- 18 Q And the total square footage of available shelters
19 with less than .9 dose reduction factor for Seabrook Beach area
20 I believe was 26,550 square feet; is that correct?
- 21 A (Callendrello) Yes, that's correct.
- 22 Q And the total square footage in that study for
23 shelter with less than .9 dose reduction factor for Hampton is
24 283,580 square feet; is that correct?
- 25 A (Callendrello) Yes.

1 Q And the total square footage for those two towns
2 equals 310,130 square feet; is that right?

3 I'm just adding those two numbers.

4 A (Callendrello) That looks close if it's not exactly
5 right on. I haven't added them up, but that sounds very close.

6 Q So, to the best of your knowledge, that number of
7 310,130 square feet equals the total square footage available
8 in shelters having less than .9 dose reduction factor in those
9 two beach areas.

10 A (Callendrello) Again, at the risk of sounding like
11 an IRS form, that is the adjusted gross square footage.

12 You are using the term "available". As we indicated,
13 in the later Stone & Webster study there was a listing of
14 available square footage where the adjusted gross square
15 footage had an availability factor applied to it.

16 Q I understood, and maybe Mr. Bell can answer my
17 question, that the totals provided in that study was all the
18 square footage; that they weren't reduced -- that the bottom
19 line was not reduced there.

20 A (Callendrello) It was not reduced in the individual
21 town tables. But if you look at the text on page 7 of the
22 August 1987 Stone & Webster study --

23 Q I'm talking about the March '86 study now.

24 A (Callendrello) I've lost your question.

25 Q Well, perhaps Mr. Bell can answer that best.

1 A (Bell) I'll try to basically describe in a few
2 sentences the process and the reason.

3 First of all, in the Aldrich reference in the case of
4 masonry buildings and basements, they advise staying away from
5 doors and windows to achieve those factors. In the case of
6 wood frame, they do not make that comment.

7 So, in the case of masonry and basements, when the
8 health physicist went around and looked at these buildings, he
9 reduced the total area of buildings by percentages based on his
10 judgment as to what part of it would provide the dose reduction
11 factors that he was putting down on the individual form.

12 If he had wanted to include more area, he would have
13 had to make the numbers go higher toward one.

14 Q Okay.

15 A (Bell) So we were looking to keep those numbers in
16 the range provided by normal masonry and basement buildings.

17 Then, when we got through that part of it, we ended
18 up with total areas. Then we said, and we didn't specifically
19 say it in the text, but the reason in this document of using 10
20 to 20 square feet per person was to allow for the fact that
21 there was things in the way inside the buildings.

22 We got a little more sophisticated in the August '87
23 report by using availability factors.

24 Q Okay.

25 A (Bell) Which, if you average it all out in the '87

1 report, comes out to something like 17 square feet per person
2 on the gross basis which falls in the 10 to 20 square feet per
3 person range we used in the first study on a more simple
4 manner, in a more simple way. That's why we listed a range of
5 people that could possibly be sheltered.

6 Q Okay. I understand that. But the total square
7 footages given is the total square footage available that falls
8 within that --

9 A (Bell) Within the shielding.

10 Q That is within those shielding parameters of that
11 study which is less than .9.

12 A (Bell) That's right. That are written on the
13 individual shelter survey forms that we supplied to New
14 Hampshire Yankee.

15 Q Okay. Now the major difference between the first
16 study and the second study is that the second study included
17 all those buildings that had .9 dose reduction factors; is that
18 correct?

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19 (Continued on next page.)

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1 A (Bell) Except any that might have changed such as
2 burned down or being torn down in the meantime.

3 Q Right.

4 A (Bell) And I think we did miss a few. So there are
5 a few that have been added.

6 Q Do have that second study, Revision 1 before you?

7 A (Bell) Yes.

8 Q And turning to the Town of Seabrook it provides a
9 total 70,870 square feet; is that right?

10 MR. DIGNAN: Your Honor, is this recross or
11 something? I didn't understand any of the questions Ms.
12 Sneider's last round to open up this line of interrogation.

13 MS. SNEIDER: It goes directly to Mr. Linenberger's
14 questions to the panel on, about the average dose reduction
15 factor being better than .9.

16 MR. DIGNAN: Do you challenge that it's, quote,
17 "Better than .9" or less than .9 as the witness testified?

18 MS. SNEIDER: Yes, I am. And I think this line of
19 questioning is going to demonstrate that very clearly.

20 JUDGE SMITH: Would you explain your arithmetical
21 theory.

22 MS. SNEIDER: Well, the bottom line is that, the
23 second study had 1,446,780 square feet when they included the
24 shelters with the .9 dose reduction factor. The first study
25 had a total of 310 square feet when they didn't include that

1 area. So I fail to see how the panel can say that the average
2 building in the area provides better than or less than .9 dose
3 reduction factor on those figures alone. That's exactly where
4 this is going.

5 MR. DIGNAN: One million four plus 300 with higher
6 factors than 300 has to lead to that conclusion, counselor. I
7 object. That's as good as two plus two equals four, Your
8 Honor.

9 MS. SNEIDER: 310,000 square feet they've testified
10 is available with -- that provides better shielding than .9.

11 MR. DIGNAN: Right.

12 MS. SNEIDER: 1,446,000 is the total and they include
13 .9. I subtract the 310,000 from the 1,446,000 and I get that
14 there's 1,136,850 square feet that is dose reduction factor of
15 .9.

16 MR. DIGNAN: Agreed.

17 MS. SNEIDER: Compared to 310,000, that is a dose
18 reduction factor that's less than .9.

19 MR. DIGNAN: Agreed. And so the average is less than
20 .9 like the witness testified.

21 MS. SNEIDER: I take it from that the average
22 structure in the area is .9.

23 MR. DIGNAN: Fact of the finding.

24 MR. TURK: Your Honor, I think it's an unnecessary
25 argument, the state wants to use a .9 dose reduction factor and

1 Ms. Sneider doesn't want them to use anything less. So what's
2 the argument.

3 MS. SNEIDER: Well, I thought there might have been a
4 misimpression left after that line of questioning, that there
5 were more space -- there was more space available in the area
6 more than .9. And I just wanted to make it very clear that the
7 large majority of the space is only a .9; and that's where this
8 line of questioning is going, that's all.

9 JUDGE SMITH: You're completed?

10 MS. SNEIDER: Well, if Mr. Dignan wants to stipulate
11 to those final figures, I'm completed.

12 MR. DIGNAN: I don't know whether it's good or not.
13 I just don't know how one number is one and another number is
14 higher, somehow the average is higher than one, but they do --
15 the Attorney General does figures the way I don't, so we'll see
16 where it comes out.

17 JUDGE SMITH: I did not follow your arithmetic. I
18 thought I was following your logic. If none -- none of the
19 figures are higher than .9 and some of the figures are less
20 than .9, I don't care what your arithmetic is, the average is
21 going to be less than .9.

22 MS. SNEIDER: Excuse me, I just thought there may
23 have been a misimpression that the average building that you
24 would go into had a better than .9, not that -- if you totalled
25 them all up together and then multiplied them, just that the

1 average structure --

2 JUDGE SMITH: The mean structure?

3 MS. SNEIDER: The average building that you go into,
4 and the EPZ does have a .9 dose reduction factor.

5 JUDGE SMITH: I don't think that this record is going
6 to be improved by any dialogue between you and me.

7 (Laughter)

**

8 JUDGE LINENBERGER: Very briefly, gentlemen, and
9 let's get away from .9s. I should like to inquire of the
10 employee of Stone & Webster and/or of Mr. Callendrello, whether
11 there have been any psychological or however you want to
12 characterize them, recommendations with respect to the, let's
13 say, acceptability of 10 square feet per person that has been
14 used in making some of these calculations. I personally think
15 I would go bonkers if I were required to stay within 10 square
16 feet very long, but I'm not an average person, I'll admit that.

17 So let me ask, was there any psychological or
18 psychiatric consultation to bolster the acceptability of that
19 figure?

20 THE WITNESS: (Callendrello) Judge Linenberger, the
21 justification for the 10 square feet per person comes from a
22 FEMA document entitled radiation safety and shelters which, as
23 I understand it, is a -- I'll call it a nuclear war or World
24 War III shelter document.

25 I do not know all of the factors that have gone into

1 it, but I do know that persons who are trying to determine the
2 availability and capacity of shelters are instructed to divide
3 the total available space and square feet by 10, the number of
4 square feet allowed for per person.

5 And further as an instruction it says: "If the
6 number is smaller than the number of shelter occupants, it may
7 be necessary to crowd people temporarily in the safer
8 locations. The number of people in the safer locations can be
9 doubled if you crowd them temporarily by squeezing down the
10 space per person from 10 square feet to five square feet."

11 Understanding that the state's shelter strategy is a
12 temporary shelter option and not a long-term congregate care,
13 overnight, long-term care shelter. I think that that number
14 has some basis, I do not know everything that went into that
15 number.

16 JUDGE LINENBERGER: Well, I'm going to object if I
17 find myself in less than a three-by-three cubicle, but so be
18 it.

19 (Laughter)

20 JUDGE SMITH: All right. Anything further for this
21 panel?

22 MR. BACKUS: Well, I have something further, Your
23 Honor, and that is, I'd like to make a motion to strike the
24 testimony as a result of all this examination on pages 19, the
25 first full paragraph through 21 down to the description of the

1 Stone & Webster study. Those pages have been the subject of
2 much examination and much testimony here.

3 Basically what they talk about is sheltering as a
4 protective action response for the beach population. And I
5 submit, and I'm not going to take a lot of time on it, but what
6 we've learned here this week is that there is no plan for
7 sheltering. It's a plan in name only. There are no identified
8 shelters. There are no implementing procedures. And when we
9 pressed the witnesses on this we get only the response that
10 it's a very limited protective response, we don't think it's
11 likely, evacuation is much the preferred option. Fine, we
12 understand that.

13 But the state has claimed to have sheltering, in
14 limited circumstances as a planned response as part of the
15 emergency plan, and I just don't think this testimony, now that
16 we've not only seen the prefiled, but heard the testimony on
17 the cross-examination, rises to the level that this Board can
18 consider as in any way providing a planned response.

19 I even heard one of these witnesses this afternoon
20 use the term "an ad hoc response" in regard to the sheltering.

21 So I respectfully submit that the state has not or
22 the Applicant as the sponsor of this testimony has not made a
23 prima facie showing. That what we have from the state, in any
24 way, rises to the level of a plan that could be considered to
25 meet any regulatory requirement, however, the regulatory

1 requirements may ultimately decided in this case.

2 It certainly does require a plan. And I submit, all
3 we have is a plan in name and none in fact.

4 MR. BISBEE: Excuse me, Your Honor --

5 MR. DIGNAN: I get the feeling, Your Honor, that I
6 just heard a good speech to make the 5 o'clock edition of the
7 Globe, but I --

8 MR. BACKUS: No, you didn't, Mr. Dignan.

9 MR. DIGNAN: -- but I don't see --

10 MR. BACKUS: Frankly, I resent always being accused
11 of that every time I speak. I'm making a motion because I
12 think it has merit.

13 MR. DIGNAN: I don't do that every time, Bob.

14 MR. BACKUS: Oh, you do, almost every time.

15 MR. DIGNAN: But the point is, Your Honor, I don't
16 see that as one of an argument for a motion to strike
17 testimony or even to exclude testimony. It may be a good
18 argument to make some day to the Board that certain testimony
19 should not be agreed with or basis -- maybe he's going to ask
20 the Board for finding that shelter isn't an option at Seabrook,
21 I don't know. But it's hardly an argument of any basis that I
22 ever heard of since law school for excluding evidence.

23 It's an argument that you shouldn't give any weight
24 to the evidence. That is not an argument for excluding it.

25 JUDGE SMITH: That belongs in your proposed findings,

1 Mr. Backus. It's not basis to strike the testimony.

2 MR. OLESKEY: Well, if I just may say something on
3 that, Your Honor. Where the testimony that's adduced on cross-
4 examination so undermines the substance of what was claimed in
5 the prefiled, I think you do have an unusual circumstances
6 where a motion to strike and not simply a request for a finding
7 later on, account of weight is appropriate.

8 I think what Mr. Backus has said, and I join in it,
9 is that the plan, so-called, is conceptual and not real. And
10 as such so much of the testimony as asserts that there is a
11 plan rather than a concept should not stand.

12 And he's named -- he specified approximately a page
13 which asserts that in the plan there's something that's
14 supported by the testimony. I think that the burden of the
15 cross-examination which is obviously has been extensive is that
16 there is a concept in the testimony but nothing in the plan
17 behind it that amounts to that other than in a very sketchy and
18 conceptual fashion.

19 I don't think, therefore, it's necessary to wait for
20 finding sometime down the line, but appropriate to address it
21 now. And that's why I take it, m... Backus did so and that's
22 why I join in support of that motion.

23 MR. DIGNAN: In answer to that, Your Honor, if my
24 brother thinks the cross-examination of the last three and a
25 half days, quote, "undermine this testimony extensively," we

1 were in different courtrooms; that's my short answer to that
2 approach.

3 JUDGE SMITH: Given -- accepting your argument, Mr.
4 Oleskey, that it's not impossible, that you could have a
5 situation where a statement or a group of statements or an
6 entire document on behalf of a person who has the burden of
7 proof, so utterly fails on cross-examination you should strike
8 it.

9 But what we have here by Mr. Backus is a very, very
10 broad-brush motion to strike. A very large part of testimony
11 covering many thoughts, very thought intensive part of
12 testimony on the basis of an undescribed two and a half days of
13 testimony. It's too broad. It's too unfocused. It belongs in
14 proposed findings.

15 Even the motion to strike can be made in proposed
16 findings, if that's what he wants. But you just can't hold up
17 two and a half days of testimony as against all these pages of
18 thought intensive testimony and say, throw it out. So on that
19 basis, we made no ruling that you're not entitled to ultimate
20 relief to what you seek on proposed findings. You're just not
21 entitled to the shotgun relief you seek right now. It would
22 take the two and a half days to argue it. So your motion is
23 denied. I understand you did object to it, and it is denied.

24 Anything further for this panel?

25 (No response)

1 JUDGE SMITH: All right, gentlemen, thank you.

2 (The witnesses were excused.)

3 JUDGE SMITH: What is the pleasure of the parties for
4 the balance of the afternoon other than go home?

5 MR. OLESKEY: I think it's being discussed, we should
6 have an answer in a moment.

7 JUDGE SMITH: Do you want a break, short break?
8 Would it be a good idea to take -- well, what's the proposal?

9 MR. BROCK: I'd like to put the Hampton witnesses on,
10 Your Honor, I'm being told they may be able to finish them by
11 the end of the day.

12 MR. DIGNAN: Are you going to put on Representative
13 Hollingworth first?

14 MR. BROCK: I'd like to put them all three together.

15 MR. DIGNAN: Put her on separately.

16 MR. BROCK: I'd like to put them all three together.
17 If you want to cross them separately, you're welcome to.

18 MR. DIGNAN: I want to cross and object separately,
19 and Ms. Selleck is handling the other witnesses. Now, you gave
20 it to us as a separate witness. I don't care if people sit
21 beside her, but put that in and let's deal with it on the
22 record.

23 (Whereupon, a brief recess was taken.)

24

25

1 Whereupon,

2

THOMAS MOUGHAN

3

BEVERLY HOLLINGWORTH

4

JEAN LINCOLN

5 having been first duly sworn, was called as a witness herein,

6 and was examined and testified as follows:

7

MR. BROCK: Your Honor, at this time, as per your
8 procedure, at the panel table are Representative Beverly
9 Hollingworth, Thomas Moughan, and Jean Lincoln.

10

The Applicant has requested and I do not object to
11 having the cross proceed on Representative Hollingworth first,
12 completing that and then proceeding to the other two, if that's
13 acceptable.

14

JUDGE SMITH: Let's do that.

15

MR. TURK: Your Honor, I have a point I'd like to
16 note for the record. Until five minutes when we broke, it was
17 my impression that the order of procedure would be
18 Representative Hollingworth followed by the Massachusetts
19 Attorney General's large panel of Goble Renn, et al. And
20 that's the way I prepared; and those are the representations
21 made to me.

22

The request from the Town of Hampton specifically,
23 would I mind if Representative Hollingworth was taken out of
24 turn, i.e., in advance of the Mass. AG's witness, and I said,
25 no, that would be all right.

1 Until five minutes ago nobody told me we're going to
2 be examining Moughan and Lincoln. Now, frankly, I'm not
3 prepared to cross-examine them today. And if the Town of
4 Hampton wants those two individuals dismissed by the end of the
5 day, I can't agree to that.

6 MR. BROCK: Your Honor, could I just --

7 JUDGE SMITH: I don't think it's going to happen
8 anyway, in any event. I don't know how much cross-examination
9 Mr. Dignan has of that panel, but I don't see how we're going
10 to get that panel done by the end of the day.

11 MR. BROCK: I'd like to clarify one point. Most of
12 what Attorney Turk stated I agree with. I did ask that
13 Representative Hollingworth be called out of turn, i.e., have
14 the Applicant panel step down so she could be called, so she
15 could go to New York. She has canceled that engagement in
16 order to be here now. And that was the substance of my
17 conversation with Mr. Turk.

18 MR. TURK: I didn't mean to imply that there was an
19 expressed representation that -- I'm sorry for stating it that
20 way, that she would come before the Mass. AG's panel, but it
21 had never been my understanding that these other two witnesses
22 would come before the Mass. AG's panel. My understanding was
23 exactly the opposite, that it would be Hollingworth and then
24 Mass. AG's big panel.

25 JUDGE SMITH: Well, you speak up for relief when you

1 actually need it. I doubt if it will come up.

2 DIRECT EXAMINATION

3 BY MR. BROCK:

4 Q Representative Hollingworth, for the record would you
5 state your name and address, please?

6 A (Hollingworth) Beverly Hollingworth, 209 Winnacunnet
7 Road in Hampton Beach.

8 Q And on behalf of the Town of Hampton through counsel,
9 have you submitted testimony in this proceeding?

10 A (Hollingworth) Yes, I did.

11 Q And is that testimony true and accurate to the best
12 of your knowledge and belief?

13 A (Hollingworth) Yes, it is.

14 Q At this time would you like the Board to admit that
15 testimony and have it bound into the transcript?

16 A (Hollingworth) Yes, I would.

17 MR. BROCK: So moved, Your Honor.

18 MR. DIGNAN: I object, ask to be heard, Your Honor,
19 on the Hellingsworth testimony, I will try to make this motion
20 as clear as I can. Beginning with the words "In September
21 1987" on page one and down through the remainder of that
22 paragraph, I object to the admission of that testimony on the
23 ground that it is rank hearsay.

24 Starting with the words "I believe" directly
25 thereafter, I object to the -- and running down through to the

1 end of the carry over paragraph that ends "Large segments of
2 the population," I object to that portion on the grounds that
3 it purports to express opinions really in the areas of
4 psychology and sociology and the witness is not competent to
5 give such opinions.

6 JUDGE SMITH: Your first objection to hearsay, where
7 does it end?

8 MR. DIGNAN: It ends at the end of the paragraph in
9 the middle of page two. In other words, the last line being
10 "Their families or members of the public from radiation."

11 Then I pick up the next one and object to that --

12 JUDGE SMITH: Wait a minute.

13 MR. DIGNAN: -- on the grounds of competency because
14 it purports to express certain opinions. And then there's --

15 JUDGE SMITH: Wait a minute. Can we take one at a
16 time?

17 MR. DIGNAN: Yes, Your Honor.

18 MR. BROCK: May I be heard, Your Honor.

19 JUDGE SMITH: Just a moment, because I want to --

20 MR. BROCK: Oh, I'm sorry.

21 JUDGE SMITH: -- get more familiar with the material.

22 Okay, you may be heard.

23 MR. BROCK: Thank you, Your Honor. As I understand
24 the objection, the sole basis is hearsay. I'm sure the Board
25 is aware the issue is whether that hearsay is reliable.

1 Representative Hollingworth is the elected
2 representative of these individuals to which he refers in that
3 portion of the testimony, they specifically contacted her to
4 express their anger and frustration that what had gone on as
5 far as designating these shelters.

6 She is here, I think wholly appropriately to present
7 their views to this Board as the elected representative. I
8 certainly think it's reliable and it should be admitted.

9 (Board conferring.)

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10 (Continued on next page.)

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1 JUDGE SMITH: In making our ruling, first, we
2 recognize from several aspects -- from Representative
3 Hollingworth's limited appearance statement, from our
4 appearance on another panel, and from letters she has
5 written -- that in addition to being a state representative,
6 she is an active opponent to the Seabrook Station. To the
7 extent that she received communications in her capacity as
8 state representative, and to the extent that those
9 communications were not solicited by her, but just were
10 generated and received in the normal course of her duties as a
11 state representative, even though they are hearsay, they are a
12 customary way in which information is imparted to a state
13 representative, and we believe it has all of the elements of
14 reliability, and the routine nature of your business as
15 representative to accept it.

16 However, when we get down into the testimony where
17 she has generated information, then we will give a different
18 look at it. But this paragraph that is in mind here, I assume
19 that this is just passively received by you, Ms. Hollingworth,
20 as a representative.

21 THE WITNESS: (Hollingworth) It is.

22 JUDGE SMITH: Now, is any part of this you went out
23 and solicited?

24 THE WITNESS: (Hollingworth) Could I just speak
25 before you --

1 JUDGE SMITH: Yes.

2 THE WITNESS: (Hollingworth) I wanted to address
3 that.

4 In the beginning, I received numerous phone calls.
5 What I got a little concerned half-way through, around
6 Christmas time, I wrote to the business members of the Chamber
7 of Commerce who were close, personal acquaintances, friends of
8 mine, and I have a letter in my file.

9 At no time in the letter do I express any opinions on
10 how this should be done. I just notified them that they
11 were -- had they been aware that there had been listed as
12 shelters, and that I had received many letters, and that I
13 would like to have any letters and any information from them in
14 writing if they were to take and ask me to represent them,
15 because I felt that, having been at the hearings and having
16 heard some of Mr. Dignan's arguments on hearsay, I wanted to be
17 prepared with letters in writing. So I did receive many
18 letters. Perhaps out of the 100. more than half of those 100
19 people wrote to me in writing. Several other older people
20 called me on the phone, and said that if they needed to be in
21 writing, they would request it. But that is the extent of my
22 writing to anyone.

23 JUDGE SMITH: I'll ask that you modify your testimony
24 to include -- to be limited to those individuals who
25 spontaneously contacted you.

1 THE WITNESS: (Hollingworth) That would be --

2 JUDGE SMITH: If you can do that.

3 THE WITNESS: (Hollingworth) I would like to try. I
4 would have to look at my files and see what the number is,
5 but --

6 JUDGE SMITH: Could you just give us an estimate?

7 THE WITNESS: (Hollingworth) Well, I'd probably
8 say --

9 JUDGE SMITH: Would the result change?

10 THE WITNESS: (Hollingworth) No.

11 JUDGE SMITH: Okay. But just give us an estimate and
12 try to adjust it.

13 THE WITNESS: (Hollingworth) I would say
14 approximately 90 percent, or somewhere in that vicinity, people
15 who contacted me spontaneously.

16 JUDGE SMITH: All right.

17 MS. WEISS: Mr. Chairman, may I be heard?

18 I don't think it's going to have much practical
19 significance given the answer that the witness just gave to
20 you. But to the extent that it's been suggested that hearsay
21 is inadmissible if the conversation was initiated by someone
22 whose opposition to Seabrook is known, I would like to state
23 right now --

24 JUDGE SMITH: That's not by any means our ruling.
25 That's not our ruling.

1 MS. WEISS: All right, because I would just point out
2 that this last panel testified substantially to hearsay when we
3 had pages and pages of hearsay about what different employees
4 at Stone & Webster did, or may do, and what different employees
5 of the state may do or may not do, or have done. And those are
6 people that are paid to present the views of the utility.

7 And I would just want to, you know, protest any
8 suggestion of a double standard.

9 MR. DIGNAN: Your Honor, the reason I make the
10 hearsay objection is I am aware as anybody in this room that
11 hearsay can be admitted in a NRC proceeding.

12 My problem with this is here I've got supposedly 100
13 individuals who among other things have said they will leave no
14 matter what happens. Now I can see the proposed finding coming
15 down the pike and citing this testimony. At least 100 owners
16 of public businesses will leave no matter what.

17 Now, I'm not going to -- unlike the other study
18 that's coming in behind from Hampton, where you will not hear a
19 hearsay objection from this corner of the room, it's not
20 documented, I don't know who supposedly said this, who they
21 are, whether they still are owners of anything, and this is
22 why, when I made the objection, and I'm not trying to go at the
23 veracity of Representative Hollingworth. This is the rankest
24 of hearsay, and it destroys any right to do it.

25 I mean I'm sure Ms. Hollingworth is going to, if I

1 cross-examine her on this, adhere to the position that at least
2 100 people called her and said this. I would expect her to do
3 that. But I have no crack at them on this question of would
4 they really bail out as soon as things happened, and this is my
5 difficulty.

6 And unlike the other study that's coming in behind
7 it, there's no documentation of who's involved, what's
8 involved, and so forth, and this is my problem with it.

9 There are limits --

10 MR. BROCK: Your Honor.

11 MR. DIGNAN: There are limits --

12 JUDGE SMITH: I understand the problem that you have
13 with it, and I understand the problems that might be attached
14 to the weight of it. But understand what our ruling is.

15 Representative Hollingworth, no one disputes, is a
16 representative. I can attest from my own experience that
17 elected representatives in a routine way, receive many telephone
18 calls from constituents. It is a normal part of the business.
19 It is how information is imparted to them. It is routine.

20 The fact that she is known as an anti-Seabrook
21 activist does not take away her status as a representative.

22 MR. DIGNAN: I couldn't agree more.

23 JUDGE SMITH: So the information that she gathered in
24 the normal way that representatives gather information,
25 spontaneous calls from her constituents is not going to be

1 barred because of the hearsay rule.

2 Now the weight that will be given is one thing, but
3 it will not be barred because of the hearsay rule. We make a
4 distinction as to what as a Seabrook opponent representing her
5 own points of views went out and generated and what she may
6 have solicited.

7 MR. DIGNAN: All right. I understand the ruling.

8 JUDGE SMITH: It's a very routine way in which a
9 representative receives information. It's very traditional.

10 MR. DIGNAN: Your Honor, I understand the ruling, and
11 I acquiesce, if you will. At least I don't wish to be heard
12 further on this first objection.

13 MR. OLESKEY: He's subsiding, Your Honor.

14 MR. DIGNAN: I'd rather subside than give up.

15 All right, Your Honor, the next paragraph which
16 begins on Page 2, "I believe that Stone & Webster's," and over
17 until that paragraph ends on Page 3, I object to that on the
18 grounds that it expresses opinions of this witness in the areas
19 I would say of psychology, sociology, and whatever, and are
20 opinions that I have not seen a sheet of qualifications that
21 she's competent to make.

22 I object to that testimony on the grounds of
23 competency.

24 MR. BROCK: Your Honor, may I be heard?

25 The atmosphere of fear, disbelief and mistrust to

1 which Representative Hollingworth refers based on the way these
2 potential shelters was designated was, as she has just stated
3 to the Board, the result of spontaneous communications to her,
4 and she is reporting that to this Board.

5 To say that she is not competent to simply convey the
6 emotions of her constituency, frankly, I don't understand that
7 argument. That is her job as a representative.

8 MR. DIGNAN: Your Honor, I --

9 MR. BROCK: And she is doing that in this case, and
10 the alternative, Your Honor, would be for us to, you know,
11 bring in a parade, and we are trying to, in as concise a
12 fashion as we can, bring our position to the Board's attention.
13 We think we have done that through the appropriate
14 representative.

15 MR. DIGNAN: Your Honor, the testimony unfortunately
16 doesn't do what my brother says. The testimony says, I
17 believe, I believe that Stone & Webster's designation of
18 shelters without consent and so forth, has exacerbated an
19 atmosphere of fear. This is her opinion. It does not purport
20 to be a quote from somebody else. It is her giving
21 psychological, sociological opinions, and I see no grounds that
22 she's competent to give it.

23 THE WITNESS: (Hollingworth) May I speak?

24 JUDGE SMITH: No. You may consult with Mr. Brock if
25 you wish.

1 MR. OLESKEY: May I make a point, too, Your Honor?

2 JUDGE SMITH: Yes.

3 MR. OLESKEY: It's essentially a personal opinion. I
4 think the only question is whether this witness is competent to
5 give that kind of a personal opinion about whatever she
6 perceives among the constituents.

7 I would suggest that if it was an ordinary civil
8 trial the witness being offered for testimony about his or her
9 observations about crowd demeanor, that the test normally is
10 the competency of that lay witness to make the particular
11 observations that are being testified to.

12 Here, where we have a lesser standard, because of
13 hearsay and because we're not in a civil tribunal, I don't
14 really think that Mr. Dignan's argument has the strength it
15 would even have in that other proceeding where the rules are
16 more strict.

17 MR TURK: Your Honor, I'd just like to respond
18 briefly to Mass. AG.

19 The fact that hearsay may be admissible in a NRC
20 proceeding does not lessen the standard with respect to expert
21 opinion. It's absolutely irrelevant. And I don't think that
22 we're talking here about an observable fact which the Mass. AG
23 has referred to where a witness who sees and event, and if he's
24 in a position to see the event, and if he's able to discern
25 what happened is permitted to present his opinion as to what

1 transpired. This is an opinion as to the psychological
2 composition of persons in the area.

3 JUDGE SMITH: Well, if 90 people call you up and tell
4 you that they are upset because they have been designated as
5 the owner of a potential shelter without their consent, and
6 they fear and disbelieve and mistrust the Applicants, then I
7 think that if you formed the opinion that that is the case, you
8 have, by virtue of your observations, been competent to form
9 that opinion, and there is nothing in the rules of evidence
10 that requires that all opinions be expressed by an acknowledged
11 expert on the subject.

12 If this is something that she would as a layman
13 normally observe and be able to express an opinion, it would be
14 competent.

15 However, I don't see the whole paragraph, and I want
16 to consult with my colleagues.

17 MR. DIGNAN: Your Honor, in response to Your Honor's
18 remark, I would just point out my difficulty is this is not a
19 statement that these people told me I mistrusted the utility.
20 This is a statement, I believe that what Stone & Webster did
21 has exacerbated the atmosphere of fear, disbelief and mistrust
22 that pervades the beach population concerning the Seabrook
23 Station.

24 It's an opinion by her that people have been affected
25 by something Stone & Webster did. There is nothing in the

1 prior stuff that says somebody said to her, I'm upset because
2 Stone & Webster put me on.

3 JUDGE SMITH: Well, that's the way I read it to be.
4 I don't know, you may be arguing that that was the wrong
5 inference, but I read it to be a follow-on from the first
6 paragraph.

7 MR. DIGNAN: I read it as an opinion of the state of
8 mind formed in her own mind. And further on, she goes on to
9 say one consequence and so forth will be -- will be --

10 JUDGE SMITH: Now, wait a minute, I didn't come to
11 that one.

12 MR. DIGNAN: Okay, well, I'm objecting to this
13 package as incompetency.

14 JUDGE SMITH: All right.

15 MR. DIGNAN: The next statement is, one consequence
16 of circumventing will be to further --

17 JUDGE SMITH: All right, that's different.

18 MR. DIGNAN: But I put them both in the same
19 category.

20 JUDGE SMITH: Well, I want to take one at a time.

21 MR. OLESKEY: There's two different thoughts there,
22 Judge.

23 JUDGE SMITH: Yes, I know. I want to take one at a
24 time, and I would like to, just for convenience so we don't
25 have several rounds, I would like to ask Ms. Hollingworth what

1 is the basis of that statement, I believe Stone & Webster's
2 designation of potential shelters, how did you form that
3 belief?

4 THE WITNESS: (Hollingworth) Because of what people
5 said to me on the phone when they called that they had just
6 found out that their name was on a list, and they couldn't
7 believe that someone would put their name on a list as a
8 potential shelter without contacting them first. That was the
9 anger that they were feeling with the idea that someone would
10 take their private homes, in some cases, and their businesses,
11 in other cases, and put them on a list without anyone coming to
12 their door and knocking and telling them they were doing so.

13 JUDGE SMITH: All right. They may or may not have
14 known that Stone & Webster did it, but whoever did it was
15 formed, in your view, some --

16 THE WITNESS: (Hollingworth) Very angry people.

17 JUDGE SMITH: Okay.

18 THE WITNESS: (Hollingworth) In fact, I think the
19 angriest I've ever seen my community.

20 JUDGE SMITH: Okay.

21 (Board confers.)

22 JUDGE SMITH: Our ruling is that the first sentence
23 of the following paragraph remains. She has -- she has a
24 satisfactory basis for forming that opinion.

25 However, the balance of the paragraph is not

1 acceptable starting with, "One consequence of circumventing
2 discussions, or failing to obtain consent of property owners
3 will further discredit the reliability or believability," that
4 is purely opinion evidence as to which she has no special
5 qualifications. It may be a personal belief, but not
6 sufficient to express an opinion in this hearing.

7 She has established no basis to speak for most of the
8 residents of the seacoast, and she certainly has not
9 established any expertise for the sentence that most of the
10 buildings that had been listed do not even approach their
11 expectation of an appropriate shelter.

12 We are unaware of any expertise that she has to make
13 that statement.

14 MR. BROCK: Your Honor, could I just --

15 JUDGE SMITH: Consequently, the conclusion fails.

16 MR. BROCK: Your Honor, I would just point out --

17 JUDGE SMITH: That's the last sentence of that
18 paragraph.

19 MR. BROCK: Understand that.

20 Later in the testimony Representative Hollingworth
21 discusses the reasons why the owners have conveyed to her that
22 they will not allow the public to use these shelters, because
23 they don't think that they are adequate or appropriate. And I
24 think that that is the conclusion stated. Most of the residents
25 have an idea of what a radiation shelter

1 should be. I mean if the Board wishes to inquire of
2 Representative Hollingworth, it's certainly my understanding
3 that she formed that opinion based upon her discussions with
4 her constituents.

5 MR. DIGNAN: With 100 constituents.

6 MR. BROCK: One hundred out of 101.

7 MR. DIGNAN: There's only 101 people in her district?

8 MR. BROCK: That she talked to.

9 MR. DIGNAN: Could Representative Hollingworth be
10 inquired of, Your Honor, as to how many people are in her
11 district?

12 JUDGE SMITH: I know it's more than a hundred. Now,
13 I mean -- we don't want to go to that.

14 Mr. Brock, we see no basis to change our ruling. She
15 has no -- I don't know where she finds the basis for --

16 MR. BROCK: Well, Your Honor, I --

17 JUDGE SMITH: -- knowing residents of the seacoast
18 have an idea what a radiation shelter should be, and most of
19 the buildings that had been listed do not even approach their
20 expectation of an appropriate shelter, their expectation of an
21 appropriate shelter. It's two steps remote.

22 Number one, what is an appropriate shelter has been
23 the subject of a lot of expert testimony and cross-examination
24 as we recognize today. So here not only do we have a judgment
25 as to what an appropriate shelter is, but on top of that, most

1 of the seacoast expressing their views of what an appropriate
2 shelter is, and it just simply is not reliable in the sense
3 that we have been using appropriate shelter.

4 MR. BROCK: I understand, but they are not speaking
5 here as experts, Your Honor. They are simply expressing their
6 opinion and belief. And based upon that opinion and belief,
7 they are not going to let the public in because they don't
8 think it's going to work.

9 And whether that's appropriate technically is a
10 different issues, but they believe it to be true.

11 JUDGE SMITH: It's not cast that way. If it were
12 cast that way, you might have a different argument.

13 MR. BROCK: Your Honor, if I could just refer the
14 Board to Page 4, Part 5, Subpart A, "The owners believe that
15 their typically unwinterized wood frame structures would not
16 provide meaningful protection for themselves for themselves or
17 the public from radiation."

18 JUDGE SMITH: That we would approach differently, but
19 that's not the sentence that we're striking.

20 "Most of the residents have an idea of what a
21 radiation shelter should be, and most of the buildings that
22 have been listed do not even approach their expectation of an
23 appropriate shelter."

24 See, she has started with a predicate that they know
25 what a shelter should be, and it doesn't meet their

1 expectations.

2 Now you want to go back here farther on as to right
3 or wrong their expectations are not being met as a separate
4 matter, we haven't addressed that yet, have we?

5 MS. WEISS: All you would have to do, I think, is
6 strike the first part of that sentence to meet your objection.
7 The part of the sentence that says, "Most of the residents have
8 an idea of what a shelter should be". If that was struck, I
9 think the remainder would fit within what's permissible.

10 JUDGE SMITH: Well, this says understand, correctly
11 or incorrectly, they have an idea of what a shelter should be,
12 that's the sense in which it is --

13 MR. BROCK: That's correct, Your Honor.

14 JUDGE SMITH: -- and that doesn't meet their
15 expectations.

16 MR. BROCK: And I think that's the way it's intended.

17 (Board confers.)

18 MR. BROCK: Your Honor, we're certainly willing to
19 stipulate that Representative Hollingworth does not have the
20 technical expertise to evaluate on that basis what an adequate
21 shelter is. I think the substance of the testimony though
22 conveys the information, opinions, beliefs of her constituents.
23 And in that light, we'd ask that it be admitted.

24 JUDGE SMITH: We've moved on in our deliberations to
25 a slightly different point, and that is, given that what she is

1 saying here that most of the residents have an idea, correct or
2 incorrect, but a concept of what a radiation shelter should be,
3 and it doesn't meet their expectations.

4 Now we're wondering if her communications have
5 imparted to her an accurate picture of what their idea is, and
6 we don't see that either. I don't know if it's in here or not,
7 but we don't see that.

8 MR. BROCK: Well, as I understand, the Board has
9 stated that it is typical for constituents to call, express
10 their views to the representative who in turn expresses it to
11 appropriate bodies, which is what is being done here, Your
12 Honor.

13 JUDGE SMITH: Well, I didn't go that far.

14 MR. BROCK: Well, I would so submit that that's
15 appropriate procedure.

16 JUDGE SMITH: Well, you don't have to go that far,
17 and we're not going that far. It's the collection of the
18 information which we believe meets the test of regularity, not
19 the imparting of it. That's different. You don't have to get
20 involved in that.

21 (Board confers.)

22 JUDGE SMITH: Where we are now is we have not ruled
23 on -- we ruled earlier that the sentence beginning "Most of the
24 residents" should not be admitted based upon our reading that
25 most of the residents were thought to have an accurate idea, an

1 expert idea of what radiation shelters should be, and we
2 rejected it.

3 Now we're at the point where we recognize that you're
4 saying that what we have here is that the residents have an
5 idea, right or wrong, an idea and their expectations are being
6 met.

7 We hold that in abeyance because we don't have any
8 support for it.

9 MS. WEISS: Mr. Chairman, may I just suggest
10 generally, rather than pick this testimony apart sentence by
11 sentence and word by word, that we allow the witness to
12 testify. She can be cross-examined subject to motion to
13 strike, and we could be here for the next day and a half
14 picking this thing apart sentence by sentence, and it just is
15 completely unwarranted given the conclusions that she reaches,
16 some of which are common sense and obvious on the face of it.

17 MR. DIGNAN: Your Honor, should I continue with my
18 objection?

19 JUDGE SMITH: No, the Board cannot arrive at a
20 consensus.

21 MR. DIGNAN: Would Your Honor appreciate my laying
22 out my other objections? Perhaps this is a matter the Board
23 would like to give consideration to overnight and rule
24 tomorrow, and I can at least lay out the rest of the objections
25 I have for the testimony and the reasons therefor.

1 JUDGE SMITH: Well, the trouble is it's late in the
2 day. You get a pile of objections. It's easier for me to rule
3 unless they're all related and they all --

4 MR. DIGNAN: They are all related, Your Honor.

5 JUDGE SMITH: Go ahead.

6 MR. DIGNAN: The other thing is I'll happily probably
7 concede to Your Honor that I understand you will probably
8 overrule some of these that are coming given your prior ruling.
9 I would just like to make them for the record --

10 JUDGE SMITH: All right.

11 MR. DIGNAN: -- to preserve my record.

12 JUDGE SMITH: Go ahead.

13 MR. DIGNAN: I would then object also on Page 4, the
14 paragraph that begins paragraph 5, all the way down to the
15 beginning of paragraph six. In other words, all of the
16 paragraph that's numbered 5. It's a hearsay objection.

17 And then in addition, I would object to the admission
18 in paragraph eight of the single sentence, the third sentence.

19 JUDGE SMITH: Wait a minute. Would you go back
20 beginning with item five on Page 4? Where does that end, the
21 objection end?

22 MR. DIGNAN: It's a hearsay objection, Your Honor.

23 JUDGE SMITH: Yes. Where does it --

24 MR. DIGNAN: It ends with paragraph 5. It's --

25 JUDGE SMITH: All of paragraph 5.

1 MR. DIGNAN: -- paragraph 5, sub (a) through
2 sub (e); yes, Your Honor.

3 I apologize.

4 MR. BROCK: And, Your Honor, for the record, since I
5 haven't heard anything more specific as to paragraph 5 and the
6 problems other than a general hearsay objection, I would simply
7 reiterate the arguments that were made previously. If Mr.
8 Dignan at that point offers more specific --

9 MR. DIGNAN: Well, I haven't finished my objection,
10 Mr. Brock. That's why you haven't heard anything.

11 MR. BROCK: May I respond, Mr. Dignan, just to this
12 point?

13 MR. DIGNAN: I thought I --

14 MR. BROCK: I would just reiterate that point for the
15 record.

16 MR. DIGNAN: On 5, the only reason I can urge upon
17 you, other than the straight hearsay objection, is to review in
18 terms of this, if allowed in it provides a basis for findings
19 as to certain unexplained in number, unexplained in type on
20 more than 50, I guess, less than 75, I don't know, that
21 proposed structures have certain deficiencies.

22 I've got no way to cross-examine that. I'm put right
23 back against the wall. And yet in the record will be testimony
24 about the Stone & Webster study, many of the structures have a
25 significant amount of exterior glass walls and windows. And

1 w. t can I do with that?

2 MR. BROCK: Your Honor, he can cross-examine is what
3 he can do.

4 MR. DIGNAN: No, I know what she's going to say.
5 She's going to say --

6 MR. BROCK: He can offer rebuttal testimony.

7 MR. DIGNAN: She is going to say, I was told that,
8 when I cross-examine here, and I don't doubt that the woman was
9 told that, but I don't have any crack at whether what she was
10 being told was the truth on those matters.

11 MR. BROCK: She also lives on the beach, as the
12 testimony says, and has for 57 years, Mr. Dignan. She probably
13 has some personal opinion as well.

14 (Laughter.)

15 (Continued on next page.)

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1 MR. DIGNAN: Ms. Hollingworth, I'm ready to call him
2 a liar, I don't believe you're

3 (Laughter)

4 MR. BROCK: I am sorry about that.

5 MR. DIGNAN: Your Honor, that's my problem here, in
6 which I have no doubts that she will testify she was told this,
7 and that she will be testifying truthfully under cross when she
8 says she was told this.

9 What I don't know is whether she was told the truth
10 over the phone. This is the trouble with double hearsay. And
11 the problem with it in this setting is it provides, if you let
12 it in, the basis for proposed finding that says, many of the
13 proposed structures have a significant amount of exterior glass
14 walls and windows.

15 And I don't know what structures -- and it's that --
16 that's the reason for the hearsay objection.

17 JUDGE SMITH: We are sensitive to the difference in
18 the specificity of the paragraph of five as compared to the
19 general -- the general community feeling that she's
20 communicated in the first paragraphs.

21 MR. DIGNAN: Well, you've heard me on that --

22 JUDGE SMITH: Into account, that's what you want us
23 to do, right.

24 MR. DIGNAN: Right. Now, paragraph eight, Your
25 Honor, I object --

1 JUDGE SMITH: Well, how about six?

2 MR. DIGNAN: Six is fine.

3 JUDGE SMITH: All right, eight.

4 MR. DIGNAN: In other words, as I understand it, it
5 doesn't purport to be hearsay, it purports to be of her own
6 knowledge, that at least three potential shelters have been
7 torn down or have been closed. That's not hearsay. That's her
8 testifying of her own personal knowledge, as I read the
9 testimony.

10 JUDGE SMITH: And then the owners of --

11 MR. DIGNAN: And seven I have no problem with.
12 Eight, where my next objection is, Your Honor, is to the third
13 sentence in eight, "Still other owners have advised me that
14 their basements are typically filled with storage materials
15 including highly volatile materials."

16 Now, again, what do I do with it? And in will come a
17 finding. There are a number of people down there with
18 basements full of highly volatile materials, right, and what do
19 I do with it.

20 The next objection is to --

21 JUDGE SMITH: That ends -- that's all of --

22 MR. DIGNAN: That's just that sentence, that's right,
23 in paragraph eight.

24 JUDGE SMITH: Oh, "Two others have advised me. Two
25 other owners."

1 MR. DIGNAN: Yes. I'm assuming the first two
2 statements are --

3 JUDGE SMITH: Okay, got it.

4 MR. DIGNAN: -- statements based on the witness'
5 personal knowledge.

6 JUDGE SMITH: Got it.

7 MR. DIGNAN: That's the way they're cited.

8 And I also am assuming the last sentence because it
9 doesn't reference a source is of the witness' personal
10 knowledge. We can test that on cross-examination.

11 Now, on paragraph nine --

12 JUDGE SMITH: Well, wait a minute, the last one --

13 MR. DIGNAN: It says, "Certain other basements are
14 also utilized as apartments or owner residence," which would
15 be -- in other words, she doesn't say somebody else is telling
16 her that, that's her I assume.

17 JUDGE SMITH: Right. So you don't object to that?

18 MR. DIGNAN: I don't object to that sentence. That's
19 her personal knowledge and presumably she can carry it.

20 JUDGE SMITH: Got it.

21 MR. DIGNAN: Now, paragraph nine, again, the first
22 sentence I assume is a statement of her personal knowledge.

23 The second one, however, is hearsay. And again,
24 these are owners saying, "They would similarly lock their
25 doors." Supposedly these are owners who are being told they

1 formed an opinion, if you will, that a nuclear emergency with
2 people seeking supplication for that are the same as rioters
3 and to be treated alike. Now, I don't know whether they mean
4 that or not, and I sure as heck can't cross-examine them, but
5 it's going to be in the proposed findings that a number of
6 owners down there will lock their doors because they're going
7 to treat it as though it was a riot. And I don't think --

8 MR. BROCK: Your Honor, it's my understanding --

9 MR. DIGNAN: Mr. Brock, if I could finish, please,
10 sir. I do not think that it is appropriate use of hearsay to
11 set up a finding that says people, unnamed, uncross-examined
12 are equating a riot to the situation where there's a nuclear
13 emergency and people are seeking succor for that reason.

14 I can see a lot of distinctions in my mind between
15 the person who would lock their doors if a riot is going on
16 outside and you don't know if the person coming through is a
17 rioter, gun in hand or whatever. And a situation in what
18 you're doing is being asked to take people in who are in danger
19 and fear of the' lives from an exterior source; I think
20 there's a big distinction.

21 And finally, I would object to the general conclusion
22 on page 10, both since it is based basically on all that went
23 before it, and to that extent it is undermined by being based
24 on hearsay; and to the extent it's based on the material I
25 objected to that she is not competent to testify to.

1 MR. BROCK: Your Honor, Mr. Dignan seems to offer as
2 a basis for exclusion of testimony that he will have difficulty
3 in the cross-examination. I'm not aware that that's a basis
4 for exclusion.

5 The issue is whether the information in the testimony
6 is reliable. We've already testified as to why Representative
7 Hollingworth is here and how, at least, the information in
8 large part was conveyed to her either through her constituents
9 or by personal knowledge.

10 Now, Mr. Dignan can cross that. He has opportunity
11 for rebuttal. He has had people which supposedly have
12 investigated every one of these shelters. And he can offer
13 rebuttal testimony if he feels these conclusions are
14 inappropriate. We don't think that --

15 JUDGE SMITH: Well, obviously, one of the historical
16 reason for the hearsay rule is, he can't cross-examine the
17 declarant as to the truth of the matter in the statement. And
18 the fact that you can rebut is not a total remedy. I don't
19 think that's going to take you too far.

20 But we will look at the particular statements and see
21 how they fit in to the degree of particularity. How precise
22 they are. How difficult it would be to confront the
23 information as to this witness and make a ruling. We'll do it
24 right now if you want. I'm going to take a break or do you
25 want to continue?

1 MS. WEISS: May I be heard?

2 MR. TURK: I would as well, Your Honor. We would
3 like to be heard. I'll let Ms. Weiss go first.

4 MS. WEISS: You know, I just want to say that I don't
5 see that there's any difference in kind between Mr. Dignan's
6 difficulty with cross or lack of difficulty with cross-
7 examining Representative Hollingworth, and the difficulty that
8 was posed by the Stone & Webster panel.

9 It is always posed by presenting these panels who
10 testify to what people who work for them do, and people, you
11 know, we sat through testimony that a survey was done by many
12 people and some of it was assembled by the witness and some of
13 it was assembled by other people. Another person went and
14 lopped off 10 or 20 buildings and the witness didn't know what
15 the criteria were, didn't know which buildings were taken off,
16 or particularly why they were taken off.

17 I mean, that's just a function, the fact that we're
18 in an administrative proceeding and we do have loosened hearsay
19 rules. There's nothing different in kind between that problem
20 and the problem posed by this testimony.

21 In fact, I would suggest that this is a substantially
22 less problem posed with this testimony.

23 JUDGE SMITH: Well, isn't there a difference between
24 one member of a team coming and testifying as to what the team
25 did compared to the testimony that's being offered here?

1 MS. WEISS: No, I don't really --

2 JUDGE SMITH: You don't see that?

3 MS. WEISS: Not when the witness was saying that
4 people made choices. Many of these witnesses testified about
5 what other people did that weren't even under their direct
6 supervision, and as to which they couldn't even say exactly
7 what was done or --

8 JUDGE SMITH: That may very well have been grounds
9 for objection, I don't know. But traditionally in NRC
10 proceedings, and I think this is probably done in NRC
11 proceedings more than other agencies, and that is, one or more
12 representative of a group of people who have done work will
13 come to defend it. And hearsay objections can be made and
14 should be made when the circumstances surrounding that do not
15 support reliability.

16 MS. WEISS: Well, we all have an opportunity to do
17 rebuttal and to go out there, you know, this is --

18 JUDGE SMITH: Should we, for example, conclude from
19 Representative Hollingworth's testimony that many owners will
20 lock out the public? I just can't -- I mean, that is just
21 inherently unreliable.

22 MS. WEISS: No, I think what you can conclude is that
23 many people have told her that they will lock out the public,
24 and that's essentially what this says. And certainly that --

25 JUDGE SMITH: So are you arguing that should be the

1 limitation?

2 MS. WEISS: I think that's what the testimony says.

3 JUDGE SMITH: But I mean, are you arguing that that
4 should be the limitation, the use of the testimony?

5 MS. WEISS: I'm not arguing that, I think that's what
6 Mr. Dignan's arguing.

7 JUDGE SMITH: Well, you're arguing in a very, very
8 precise way.

9 MS. WEISS: That's how he's going to handle it.

10 MR. DIGNAN: Keep going, you're doing great.

11 (Laughter)

12 MS. WEISS: He's going to come back in his findings
13 and he's going to say, this is how this should be limited, it
14 should be limited because, you know, Mrs. Hollingworth was
15 offering what other people said to her. And you will weigh it
16 like you weigh all the evidence before you.

17 But to pick this apart word by word by word is such a
18 double standard. That's what I really object to.

19 JUDGE SMITH: Well, I appreciate your pointing that
20 out.

21 MR. TURK: Your Honor, if I may be heard, also.

22 JUDGE SMITH: Mr. Turk.

23 MR. TURK: I didn't bring my procedure digest, in the
24 past I've brought so many things with me and I've always been
25 the last to leave the room, so this time I tried to cut down my

1 burden of documents, so I'm without sources to quote.

2 But I believe it was the Waterford case in which it
3 said that, the testimony of an expert based upon what unnamed
4 other experts have told them is hearsay and is inadmissible.

5 MS. WEISS: It's not another expert.

6 MR. TURK: It doesn't matter that it's an expert or
7 not an expert. It's a declarant out of the presence of the
8 courtroom unnamed, unidentified. It's beyond the scope of,
9 what I think the Board has indicated, may have the earmarks of
10 reliability.

11 Now, I want to note a point of more general reference
12 and that is, Massachusetts has experts who are going to come
13 before you, who are going to discuss a survey which they've
14 conducted which does have lots of earmarks of reliability and
15 credibility. I don't know that -- if there's a portion of
16 Representative Hollingworth's testimony that's excluded on
17 this, but the Intervenors' case is in any way diminished,
18 because in fact they have experts who have done a survey who
19 can testify to pretty much the same things that Representative
20 Hollingworth would like to have you accept based upon the
21 statements of unnamed persons out of your presence.

22 MS. WEISS: Well, why should we decide this case on
23 the basis of what two experts say and not what the basis of the
24 real people say.

25 MR. TURK: It's not a question of expertise, it's a

1 question of reliability of the evidence.

2 MR. BROCK: And I think that with the experts that
3 the AG is offering that will only enhance the reliability which
4 I think her testimony could stand alone, it will be enhanced
5 and reliability with the experts to be offered by the
6 Commonwealth.

7 JUDGE SMITH: We'll take it under advisement.

8 MR. OLESKEY: May I just make one last point, Judge?

9 JUDGE SMITH: Mr. Oleskey.

10 MR. OLESKEY: Thank you.

11 These people who communicate to their representative
12 their views as expressed are hardly unidentified, as Mr. Turk
13 has said. They are known to Representative Hollingworth, and I
14 dare say, if you ask her to come in the morning and tell you
15 the names of the people who contacted her, she could do it.

16 So they are known. They're hardly unidentified
17 informants. More fundamentally, they're the owners of the
18 buildings. They're a better source than a compilation team of
19 experts, arguably, what ours -- or the Applicants who roam the
20 streets taking notes.

21 JUDGE SMITH: You know, I want you to know that,
22 maybe you really ought to quit while you're ahead. We are
23 allowing Representative Hollingworth, in the context of her job
24 as a state representative, who routinely and regularly receives
25 calls from constituents and she, from that source of

1 information, can form a feeling or a consensus of what her
2 constituents feels. That's all part of the process, the
3 government process.

4 I recall the case of The United States versus Mandel
5 where the conviction of Governor Mandel was overturned when the
6 members of the state legislature came to court and testified,
7 hey, we developed a consensus, a feeling based upon what was
8 going on there that this bill was railroaded; and the whole
9 conviction was torn out. We have extended it very, very far to
10 allow, knowing that Representative Hollingworth is an active
11 antinuclear opponent -- I mean, a person here to bring in the
12 consensus of her constituents, is a far reach of a hearsay
13 rule.

14 Now, when we get down to the particulars of her
15 testimony we're going to have to look at it and see just how
16 that fits into the whole scheme.

17 MR. BACKUS: Judge Smith --

18 JUDGE SMITH: Anything further?

19 MR. BACKUS: -- I have one suggestion that comes up
20 out of this and it goes back to something at the very
21 beginning. Some of the dispute was about what's there? How
22 many windows on these buildings?

23 I again would renew my request that the Board
24 consider taking a view, because what's there is there and we
25 can look at it. We don't need to depend on qualitative

1 judgment as to the windows, you can see them.

2 So, insofar as this goes to hearsay about the
3 character of the building stock there, the way I suggest to
4 solve that is to arrange of a view and we'll all go down there
5 and take a look.

6 And I might add that, amazing enough we're coming up
7 on another prime beach season very soon, so we can pick a nice
8 beach day.

9 JUDGE SMITH: All right. We'll take the objections
10 under consideration.

11 MR. TURK: Your Honor, do we have a schedule in mind
12 for tomorrow? I assume we're leaving at the noon hour or 1
13 o'clock, in that time frame?

14 JUDGE SMITH: That's what we had previously done, and
15 if it really catches people unprepared, we'll discuss it. We
16 had hoped to go farther in the afternoon this time. And we
17 want to discuss perhaps another approach to the schedule
18 tomorrow for the following week. But unless there is strong
19 objections from the parties, based upon a change, we'd like to
20 go later in the afternoon.

21 MR. DIGNAN: Your Honor, for planning purposes, at
22 least from the Applicant's point of view --

23 JUDGE SMITH: Can we go off the record on this.

24 We're adjourned.

25 Off the record.

et/75

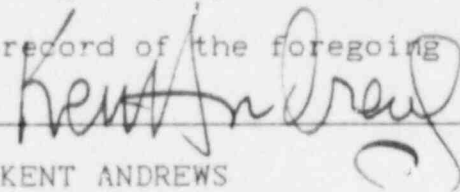
1 (Whereupon, at 5:11 p.m. the hearing was adjourned to
2 reconvene tomorrow morning at 9:00 a.m., Friday, May 6, 1988,
3 at the same place.)
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This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:
Name: PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.
Docket Number: 50-443-OL, 50-444-OL
Place: CONCORD, NEW HAMPSHIRE
Date: May 5, 1988

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken electronically by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the recording is a true and accurate record of the foregoing proceedings.

(S/ 

(Signature typed): KENT ANDREWS

Official Reporter
Heritage Reporting Corporation