

ORIGINAL


# UNITED STATES NUCLEAR REGULATORY COMMISSION

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In the Matter of:	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No.
(Shoreham Nuclear Power Station,	)	50-322-OL-3
Unit 1)	)	(Emergency Planning)
	)	(School Bus Driver
	)	Issue)

LOCATION: Hauppauge, New York  
 PAGES: 19831 through 19998  
 DATE: May 18, 1988

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

3 In the Matter of: )  
 4 ) Docket No.  
 5 LONG ISLAND LIGHTING COMPANY ) 50-322-OL-3  
 6 ) (Emergency Planning)  
 7 (Shoreham Nuclear Power ) (School Bus Driver  
 8 Station, Unit 1) ) Issue)

9 Wednesday,  
 10 May 18, 1988

11 State Office Building  
 12 Hauppauge, New York

13 The above-entitled matter came on for hearing  
 14 at 9:20 a.m.

15 BEFORE: HON. JAMES GLEASON, Chairman of the Board

16 For the Board:

17 JUDGE JERRY KLINE  
 18 JUDGE FRED SHON

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

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(Continued on next page.)

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## I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

Panel:

Dennis Mileti  
 Michael K. Lindell  
 Robert B. Kelly 19834

EXHIBIT NO. IDEN: \_\_\_ RECD: \_\_\_ DESCRIPTION

Suffolk County Bus Driver:

No. 6	19871	19876	12-page document with listing of information on first page.
No. 7	19874	19876	13-page document, second survey.
No. 8	19879	19926	12-page document, survey instrument.
No. 9	19883	19926	13-page document, interview schedule.
No. 10	19891	19926	13-page document, interview schedule.
No. 11		19962	10-page document dated 3/25/88, interview schedule, interviewee name, Jean Pratt.
No. 12		19962	Interview schedule, interviewee name, Rochelle Laird.

INSERTS:

PAGE #

No inserts in this transcript.

## P R O C E E D I N G S

1  
2 JUDGE GLEASON: Any preliminary  
3 matters, gentlemen?

4 MR. CHRISTMAN: I have one.

5 Yesterday there were questions about  
6 numbers derived from some phone calls LILCO made  
7 earlier this year and they were requested. I have  
8 had them tied up and with your permission I will  
9 hand them to everybody. I must say I think the  
10 question yesterday will be real hard to understand  
11 without this document. If the County doesn't  
12 eventually offer it as an exhibit, I intend to.

13 JUDGE GLEASON: All right.

14 MR. CHRISTMAN: For clarity's sake, the  
15 numbers from the 4/88 phone calls are the  
16 right-hand-most column on this document, as you can  
17 see. There is--the vertical line of hyphens between  
18 LILCO 7/87 and NYS 1/19/88 can be ignored. They are  
19 not minus signs.

20 JUDGE GLEASON: Ms. Taylor--or who is  
21 going to proceed?

22 MR. McMURRAY: Mr. McMurray.

23 JUDGE GLEASON: Mr. McMurray.

24 Whereupon,

25 DENNIS MILETI

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MICHAEL K. LINDELL

ROBERT B. KELLY

having been previously sworn, resumed and testified further as follows:

CROSS-EXAMINATION (Con.'d.)

BY MR. McMURRAY:

Q. Gentlemen, go to page 26. For the record, I note on page 25 there is testimony from Mr. Crocker which will have to be deferred until tomorrow's cross-examination since he is not here, so let's go to page 26.

MR. McMURRAY: Judge Gleason, should I proceed or wait until Judge Shon--

JUDGE GLEASON: Proceed.

Q. On that page, Mr. Kelly, you discuss a report that you did for a project for another client based on 50 emergencies. Do you see that?

A. (Kelly) Yes, I do.

Q. And those 50 emergencies that you looked at were based on factors such as size, type, geographic location, proximity to nuclear power plants, special problems and location and type, for instance, population density. Correct?

A. (Kelly) That's correct.

Q. When you say "special problems," what

1 kind of problems were you looking for that would  
2 include that emergency in the 50 you were looking  
3 at?

4 A. (Kelly) As we were looking through  
5 some of the secondary sources we had, newspaper  
6 articles and so forth at that time, we made a  
7 subjective judgment as to whether this was a  
8 problem-laden type of evacuation. For instance, if  
9 we saw a prison was evacuated, probably we would  
10 have considered that a special problem that occurred  
11 that doesn't happen a lot. If a hospital was  
12 relocated may or may not have made it--it depended  
13 on the circumstances, really, of the article and how  
14 it was described. But it was a subjective  
15 assessment.

16 Q. Was school evacuation a special problem  
17 that would have included one of these accidents in  
18 the group?

19 JUDGE GLEASON: Would you hold it one  
20 moment, please.

21 (Pause.)

22 JUDGE GLEASON: Let's continue, please.

23 MR. McMURRAY: I have a question on the  
24 table.

25 JUDGE GLEASON: Do you recall the

1 question?

2 A. (Kelly) Whether schools were  
3 considered--

4 Q. A particular problem.

5 A. (Kelly) I would have to say it would  
6 have depended on in what circumstances or how the  
7 school evacuations were described in the material we  
8 were looking at. In and of itself, if it mentioned  
9 school being evacuated, probably not.

10 Q. I take it you don't recall whether for  
11 any particular accident school evacuation was  
12 considered a problem?

13 A. (Kelly) I really can't recall; no.

14 Q. One of the other criterion that you  
15 looked at was proximity to a nuclear power plant.  
16 Why is that?

17 A. (Kelly) The client wanted to include,  
18 to the extent possible, if there were any in an  
19 initial set of cases, to include any evacuations  
20 that may have occurred within a 10-mile EPZ and then  
21 a second category was the 10 to 50 miles, just  
22 really to give us an opportunity later to see what  
23 effects the planning in those particular areas might  
24 have had on the success of an evacuation.

25 Q. Of the 50 that you chose, how many fell



1 within the 10-mile EPZ of a particular power plant?

2 A. (Crocker) As I recall, initially we  
3 thought there were two or three based on the  
4 readings at the time. Then as we got into more  
5 detailed investigation, I think that number rose to  
6 probably six.

7 Q. And eventually you narrowed the EC down  
8 to 16 that included bus evacuations. Is that right?

9 A. (Kelly) That, we are kind of mixing  
10 projects now. For LILCO I then did that, yes.

11 Q. Maybe it would be useful if we did step  
12 back a second. On this bottom paragraph, page 26,  
13 you are discussing a project that you did for a  
14 client other than LILCO?

15 A. (Kelly) That's correct.

16 Q. And this looked at 50 evacuations.  
17 Right?

18 A. (Kelly) That's correct.

19 Q. And the purpose of this study was not  
20 to look at bus evacuations, right?

21 A. (Kelly) Not specifically, no.

22 Q. You were not looking at the issue of  
23 role conflict among bus drivers in doing this  
24 project, right?

25 A. (Kelly) Other than what I described

1 the other day.

2 Q. This project, in other words, formed  
3 the data base from which you eventually did the work  
4 for LILCO that we will get to later. Right?

5 A. (Kelly) That is correct, yes.

6 Q. When you say that geographic location  
7 was one of the factors you were looking at, did all  
8 of the evacuations in your initial project for the  
9 earlier client deal with emergencies in densely  
10 populated areas?

11 A. (Kelly) No, they did not.

12 Could you repeat the question for me?  
13 I want to make sure I have it straight.

14 Q. It appears from your testimony that you  
15 chose only--you looked only at evacuations occurring  
16 in densely populated areas. Is that correct?

17 A. (Kelly) No. That one--make if I could  
18 back up for a moment. We looked at a number of  
19 evacuations more than 50. There were approximately  
20 249. When we were narrowing that down to 50 one of  
21 the factors we looked at was population density.  
22 The way we got to the 50, the rating mechanism we  
23 used tended to favor cases that were in more densely  
24 populated areas but did not necessarily exclude  
25 cases in less densely populated areas.

1 Q. I see. To be included in the initial  
2 group of 50, an accident didn't have to meet all of  
3 these factors that you laid out--

4 A. (Kelly) No. Those factors were  
5 considered, but the rating mechanisms that we  
6 employed using those factors may or may not have  
7 resulted in--well, for instance, out of the 50 only  
8 six were in the EPZ. There were many others that  
9 were not. Many were heavily populated areas, some  
10 were not. So you have a spectrum within each of  
11 those factors.

12 Q. Mr. Kelly, this is the first time you  
13 have done this. You are going to have to let me  
14 finish my questions before you jump in with your  
15 answers. Okay?

16 A. (Kelly) Sorry. I thought you had  
17 finished.

18 Q. That's all right.

19 So I take it that, for instance, one of  
20 the factors is whether the accident was quickly  
21 developing, and as it turns out, not all of the  
22 evacuations that you looked at were in fact quickly  
23 developing, were they?

24 A. (Kelly) That's correct.

25 Q. In fact, some of the evacuations had

1 warning times of a couple of days?

2 A. (Kelly) That's correct.

3 Q. From this data base of 50, after you  
4 were hired by LILCO you narrowed that down  
5 approximately to 16 evacuations?

6 A. (Kelly) That's correct.

7 Q. When were you hired by LILCO?

8 A. (Kelly) Mid-January of this year.

9 Q. What were you asked to do?

10 A. (Kelly) I was asked to look at those  
11 50 cases, try to determine to the extent possible  
12 with the data I had collected to that point if there  
13 were any instances of buses being used and then any  
14 instances of role abandonment by bus drivers.

15 Q. Put your finger on page 27 but let's go  
16 to Attachment E. Attachment E is the report you  
17 initially wrote for LILCO based on your view of  
18 those 16 evacuations. Correct?

19 A. (Kelly) That's correct.

20 Q. And this was written by you?

21 A. (Kelly) That's correct.

22 Q. On page four of that attachment you  
23 name the 16 cases that you eventually settled on  
24 from the 50 in your original data base. Is that  
25 correct?

1 A. (Kelly) That's correct.

2 Q. And these 16 were chosen because they  
3 involved buses in evacuation. Correct?

4 A. (Kelly) That's correct.

5 Q. How did you know that they involved  
6 buses?

7 A. (Kelly) By looking at the information  
8 that we had at the time on each of those, and that  
9 was page 27 of the testimony has a list of the types  
10 of things we had at the time.

11 Q. Page one of the attachment also has the  
12 type of information, doesn't it?

13 A. (Kelly) That's correct.

14 Q. So you relied solely on documentation  
15 regarding the emergency. Correct?

16 A. (Kelly) That's correct.

17 Q. Such things as newspaper clippings and  
18 newspaper service articles?

19 A. (Kelly) That's right, and--well, in a  
20 number of cases we had after-action reports from the  
21 communities. One or two cases, a report produced by  
22 a State agency and so forth. So in addition--the  
23 bulk of it was newspaper articles from AP and UPI  
24 but then there were some other documents as well.

25 Q. Let me ask you this. For how many of

1 the evacuations that you were looking at did you  
2 have other than newspaper clippings or news service  
3 articles to draw from to determine whether or not  
4 buses were involved?

5 A. (Kelly) I couldn't say at this point.

6 Q. I take it that it is quite possible,  
7 isn't it, that there could have been buses involved  
8 in evacuations other than the 16 that you settled  
9 on?

10 A. (Kelly) That's correct. That's  
11 correct.

12 Q. And I take it that you are not willing  
13 to say that you were able to compile all the  
14 documentation that pertains to all these  
15 evacuations. Is that right?

16 A. (Kelly) I don't think so, but maybe  
17 because I don't understand your question.

18 Q. Well, it may be, for instance, that  
19 there are police and emergency service reports that  
20 exist about these evacuations that you don't have?

21 A. (Kelly) That's correct.

22 Q. There may be communications logs you  
23 don't have?

24 A. (Kelly) There may be.

25 Q. And there may be after-action reports

1 that you don't have?

2 A. (Kelly) There may be.

3 Q. As I understand it, you eventually  
4 added three evacuations to this list of 16. Is that  
5 correct?

6 A. (Kelly) That's right.

7 Q. What evacuations are those?

8 A. (Kelly) I believe that would be--bear  
9 with me just a moment. I think Miamisburg was not  
10 on the list. Columbus wasn't on the original  
11 list--I have to compare the two lists.

12 Q. What list are you comparing? If there  
13 is a list in the testimony that has it all--

14 A. (Kelly) Well, the 16 cases that are  
15 listed on page four of Appendix E I am comparing to  
16 the list on page one of Appendix G. There is a  
17 difference of three cases, and that is the answer to  
18 your question.

19 Q. Okay. Do you know what the additional  
20 evacuation was?

21 A. (Kelly) It will just take a moment.

22 Q. Could it be Superior, Wisconsin?

23 MR. CHRISTMAN: No. That is in the  
24 Appendix E.

25 (Witnesses confer.)

1 A. (Kelly) Elkhart, I guess is the last  
2 one.

3 Q. Elkhart, Indiana?

4 A. (Kelly) That's correct.

5 Q. Miamisburg, that is in Ohio, correct?

6 A. (Kelly) Yes, it is.

7 Q. What kind of accident was that?

8 A. (Kelly) That was a train derailment  
9 involving several tankers of hazardous materials  
10 which occurred over a several-day period.

11 Q. Columbus, Ohio is what kind of  
12 accident?

13 A. (Kelly) Columbus, Ohio is some sort of  
14 fire involving dynamite.

15 Q. And Elkhart, Indiana, that was what?

16 A. (Kelly) I believe that was a leaking  
17 tank car from a railroad accident. It was in a rail  
18 yard.

19 Q. On page four of Attachment E you set  
20 out the number of evacuees from these various  
21 accidents in the last column. Do you see that?

22 A. (Kelly) Yes, I do.

23 Q. Now, that is not the number evacuated  
24 by bus, is it?

25 A. (Kelly) No, it is not. That is the



1 total number.

2 Q. In some cases, the number of evacuees  
3 by bus was quite small, wasn't it?

4 A. (Kelly) Yes. I don't know the exact  
5 percentage of evacuees offhand, yes.

6 Q. In some cases it was just two or three  
7 busloads. Is that correct?

8 A. (Kelly) That's right.

9 Q. Do you have anywhere in your testimony  
10 the number of evacuees by bus from these  
11 evacuations?

12 A. (Kelly) Yes, I do. Appendix G, page  
13 two, it shows the range, that range being from zero  
14 to five to ten thousand. You might ask me--well, I  
15 will let you ask the obvious question.

16 Q. Why don't you answer the obvious  
17 question.

18 A. (Kelly) The zero in Pine Bluff as  
19 stated is the people, the buses were mobilized, they  
20 were brought to I believe a nursing home. People  
21 were loaded onto the bus and then they weren't  
22 actually pulled out of the area. It was everything  
23 up to the actual movement out of the nursing home.

24 Q. I guess we weren't thinking of the same  
25 obvious question.

1                   You don't have an individual listing of  
2                   the number of bus evacuees for each evacuation, do  
3                   you?

4                   A.       (Kelly) In the actual survey data we  
5                   gave you we did, and I could read that to you.

6                   Q.       It is not in your testimony, is it?

7                   A.       (Kelly) No, not for each individual  
8                   case. No.

9                   Q.       And in most cases, you would agree,  
10                  wouldn't you, that the number evacuated by bus was  
11                  far below five to ten thousand?

12                  A.       (Kelly) I believe in all but two  
13                  cases, that's correct.

14                  Q.       As a matter of fact, in most of those  
15                  cases it was much closer to the zero range, wasn't  
16                  it?

17                  A.       (Kelly) They usually ranged in the  
18                  several hundred, and then as I said, a few in the  
19                  thousands.

20                  Q.       None of these represented an evacuation  
21                  of as many as 28,000 people, right?

22                  A.       (Kelly) No. By bus, no.

23                  Q.       In your table on page four you have the  
24                  location of all the evacuations other than the  
25                  additional three, but you don't have the size of the

1 impact area there.

2 Do you have a listing of the impact  
3 area for each individual evacuation that you looked  
4 at?

5 A. (Kelly) Where are you looking right  
6 now?

7 Q. Page four of Appendix E.

8 A. (Kelly) And the question was what was  
9 the size of those areas?

10 Q. Do you have a listing of the impact  
11 area for each of those individual evacuations?

12 A. (Kelly) Yes. In most cases, I have  
13 that data. Yes.

14 Q. Do you have it listed in your  
15 testimony?

16 JUDGE GLEASON: Which data, Mr.  
17 McMurray? How are you defining "impact area"?

18 MR. McMURRAY: Well, I better use the  
19 definition used by Mr. Kelly.

20 Q. How did you define "impact area"? You  
21 asked for radius, correct?

22 A. (Kelly) Yes. No. We asked for square  
23 miles. What portion or how many square miles of the  
24 community was affected by the hazard. And in most  
25 cases they answered in square miles terms.

1 Sometimes they gave me a radius, though.

2 Q. Where they gave you a radius, did you  
3 turn that into square miles automatically?

4 A. (Kelly) I can do that. I have it  
5 marked. It clearly says it is a radius, not a  
6 square mile, so...

7 Q. I believe that--well, in your testimony  
8 you don't have the impact areas for the individual  
9 evacuations listed. You do have in Appendix G, the  
10 note that the average impact area was only two to 20  
11 square miles. Is that right?

12 A. (Kelly) In all of the cases, except  
13 those other two, fell within that range.

14 Q. All the other cases fell within two to  
15 20?

16 A. (Kelly) No, that is not true. I'm  
17 sorry. Most of the other cases, I should say, fell  
18 within that range. There were some--I can go down  
19 the list if you'd like.

20 Q. Isn't it true that only two of the  
21 evacuations that you looked at had an impact area  
22 larger than the 10-mile EPZ at Shoreham? And I am  
23 speaking specifically of Marysville and the  
24 Pinellas, Florida evacuations.

25 A. (Kelly) I believe that is correct.

1 Q. In some cases, the impact areas were no  
2 more than a mile or two. Correct?

3 A. (Kelly) That's correct. There were  
4 many in that range, yes.

5 Q. There were many in that range.

6 At the time that you did your study and  
7 before you did your surveys, which we will get to,  
8 did you know where the bus drivers lived who  
9 responded to these accidents, in relation to the  
10 impact area?

11 A. (Kelly) Prior to the study I did not  
12 know.

13 Q. Prior to your surveys which you  
14 subsequently conducted, did you know where these bus  
15 drivers lived in relation to the accident?

16 A. (Kelly) No, I did not.

17 Q. Prior to your surveys, did you know  
18 whether any of the bus drivers' families were  
19 threatened by the accident?

20 A. (Kelly) Not directly, no.

21 Q. Do you have listed in your testimony in  
22 how many instances school bus drivers were used to  
23 conduct evacuation as opposed to bus drivers from a  
24 public transportation company that transports the  
25 general public?

1           A.     (Kelly) There were a number, and I  
2 don't know what the number is off the top of my  
3 head. There are a number of bus drivers that we  
4 used in our--that we interviewed in our bus driver  
5 survey that were school bus drivers.

6           Q.     Do you have a listing or have data on  
7 how many of the evacuations of these 16 involved  
8 school bus drivers as opposed to bus drivers for  
9 public transport companies?

10          A.     (Kelly) In our organizational survey  
11 we asked how many schools were evacuated, so that  
12 would give some indication, possibly, as to how many  
13 school bus companies were involved.

14          Q.     You don't have specific data on it,  
15 though, do you?

16          A.     (Kelly) Only to say that in the bus  
17 driver interviews that we conducted, some of those  
18 were school bus drivers.

19          Q.     How many of those--well, you conducted  
20 27 interviews of bus drivers?

21          A.     (Kelly) That's right.

22          Q.     In how many of those cases were they  
23 school bus drivers?

24          A.     (Kelly) I would have to look to give  
25 you an accurate number.

1 Q. We will get to that later.

2 A. (Kelly) Okay.

3 Q. I notice that TMI is not on this list.

4 Is there a reason for that?

5 A. (Kelly) On the list on--

6 Q. Not on the list on page four of

7 Attachment E.

8 A. (Kelly) Yes. At the time that I was  
9 asked to look at the data that we had, it came from  
10 this data base that we were collecting for the other  
11 client. For the other client, we were concentrating  
12 on those 50 evacuations. For that other client, we  
13 had an additional requirement to look at TMI and  
14 another major evacuation, Mississauga. But that  
15 fell outside the scope of the main study. They were  
16 basically add-on evacuations. For instance, we were  
17 only looking at evacuations that occurred in 1980  
18 and beyond. Of course, those two were prior to  
19 1980. And the client knew those two wouldn't meet  
20 the criteria we had established so they just tacked  
21 them on.

22 At the time that LILCO asked us to do  
23 this study we had not even really begun to look at  
24 that, those two cases, and that is why they weren't  
25 included.

1 Q. TMI involved a radiological emergency,  
2 correct?

3 A. (Kelly) That's correct.

4 Q. We have heard from Dr. Mileti that  
5 there was an early dismissal of schools during the  
6 TMI accident. Are you aware of that?

7 A. (Kelly) Based on what Dr. Mileti said,  
8 yes.

9 Q. Were you aware of that before his  
10 testimony?

11 A. (Kelly) I can't recall that  
12 specifically. I may have been aware of it because  
13 we have looked at TMI. Another investigator was  
14 looking at it in more detail. I just couldn't  
15 remember.

16 Q. Did LILCO ever ask you to look at TMI  
17 as an example of an incident where buses were used?

18 A. (Kelly) They didn't specifically ask  
19 me to do that, no.

20 Q. Don't you think it might be a pertinent  
21 inquiry to the issue here as to whether bus drivers  
22 experienced any role abandonment at TMI?

23 A. (Kelly) It is possible that that is  
24 pertinent. But I can only tell you how we get--why  
25 we selected that data base of 50. That is what we



1 had. LILCO asked me what we had. That is what I  
2 told them. And the reason we hadn't included that,  
3 it was outside the scope anyway. That was not a  
4 formally ordered evacuation, as you recall, which is  
5 another reason why it wasn't included in our initial  
6 data base of 50, and the other client asked us to  
7 tack it on. It may have been pertinent but it was  
8 outside the scope of what we were asked to do.

9 Q. There is certainly no lack of articles  
10 on TMI, is there?

11 A. (Kelly) I would say there has been a  
12 lot written about that, yes.

13 Q. There is certainly no lack of  
14 after-action reports, are there?

15 A. (Kelly) I believe there is quite a few  
16 after-action reports. Yes.

17 Q. Would it have been difficult for you  
18 and your organization to contact organizational  
19 representatives--strike.

20 Would it have been difficult for you to  
21 contact representatives of organizations that  
22 responded at TMI?

23 A. (Kelly) I don't believe it would have  
24 been difficult. No.

25 Q. You did add on three accidents, didn't

1 you, in addition to the 16 that you list on page  
2 four of Attachment E?

3 A. (Kelly) That's correct.

4 Q. How did you come to add those three  
5 accidents?

6 A. (Kelly) Between the time that I  
7 produced this report and the time that I was asked  
8 to do the survey, we found out that three of--three  
9 more of those 50 cases involved evacuations that  
10 included buses. And so when it came time to the  
11 surveys, I said, "Should we look at those?" They  
12 said, "Yes."

13 Q. Now, your conclusion is based on the  
14 inquiry that you did make. You didn't find any  
15 documentation that led you to believe that there was  
16 role abandonment among bus drivers. Right?

17 A. (Kelly) That's correct.

18 Q. You also come to the conclusion that  
19 through training and planning, role abandonment can  
20 be minimized. Right?

21 A. (Kelly) That is part of the  
22 conclusion.

23 Q. And that is based in part on Dr.  
24 Lindell's article, right, which you also quote?

25 A. (Kelly) Yes. That was used in the

1 report.

2 Q. Now, there came a time, didn't there,  
3 when you did use some more inquiry about these 19  
4 accidents. Right?

5 A. (Kelly) That's correct.

6 Q. And that consisted first of a survey of  
7 the organizations, some of the organizations that  
8 participated in those various evacuations, right?

9 A. (Kelly) That's correct.

10 Q. Let's start with the organizational  
11 study. Okay? Let me back up a second. You did two  
12 separate surveys. Right?

13 A. (Kelly) That's correct.

14 Q. One survey was a survey of  
15 organizational representatives. Right?

16 A. (Kelly) That's right.

17 Q. Not individual bus drivers?

18 A. (Kelly) That's correct.

19 Q. And the other survey you did was of at  
20 least some of the bus drivers who reported to have  
21 driven in those evacuations. Right?

22 A. (Kelly) That's correct.

23 Q. Let's concentrate for a second on that  
24 first survey.

25 How did you come to conduct that first

1 survey?

2 A. (Kelly) We were asked by LILCO to do a  
3 survey of the organizations that were involved in  
4 the evacuation.

5 Q. When were you asked to do that?

6 A. (Kelly) I believe it was in February.

7 Q. And it was your understanding, wasn't  
8 it, that that survey was for possible use in these  
9 hearings?

10 A. (Kelly) Yes.

11 Q. Let's go for a second to Attachment F.  
12 Just keep your finger on page 27 as well.

13 Can you tell me what Attachment F is,  
14 Mr. Kelly?

15 A. (Kelly) Attachment F is the survey  
16 instrument that we used to collect the data in our  
17 telephone interviews.

18 Q. How was the questionnaire developed?

19 A. (Kelly) The questionnaire was designed  
20 and developed by Drs. Miletic and Lindell,  
21 principally.

22 Q. Did you have any input into it?

23 A. (Kelly) Yes. After they developed it,  
24 I had an opportunity to look at it and comment on  
25 it, but they were the principal developers.

1 Q. Did you make any changes to what Drs.  
2 Mileti and Lindell did?

3 A. (Kelly) I made a recommendation that a  
4 question be added to--I believe it was--let me  
5 double check. Yes. A question be added to the  
6 instrument, and that concerned whether or not bus  
7 drivers made multiple runs into the evacuation zone.

8 Q. That was the only addition that you had  
9 involvement in?

10 A. (Kelly) Other than typos or something  
11 like that--

12 Q. I am talking about substantial.

13 A. (Kelly) Yes. That is the only thing I  
14 thought might be necessary.

15 Q. Did you delete any of the drafts,  
16 anything from the drafts that you got from Dr.  
17 Mileti and--

18 A. (Kelly) I don't recall doing so.

19 Q. Was there any review of this survey  
20 instrument by persons not involved in this licensing  
21 proceeding?

22 A. (Kelly) By any of the witnesses here  
23 today, do you mean?

24 Q. By anybody not involved in these  
25 proceedings, either by being a witness, by being

1           counsel or by being involved with an organization of  
2           which you all may be representatives.

3           A.     (Kelly) Well, we did a test of the  
4           survey instrument. To that extent, someone--

5           Q.     You did a test?

6           A.     (Kelly) Yes. We tested the survey  
7           instrument to make sure it was clear, people could  
8           understand the questions and so forth.

9           Q.     How did you test it?

10          A.     (Kelly) We called up several  
11          people--civil defense director, bus company  
12          official--two civil defense officials, bus company  
13          official, and then I think we called a County  
14          planner. About four or five people that I recall we  
15          tested it on.

16          Q.     Were these tests involving people who  
17          actually were involved in these evacuations that  
18          were studied?

19          A.     (Kelly) No. They were separate.

20          Q.     These were different respondents?

21          A.     (Kelly) That's correct.

22          Q.     Their answers weren't used in your  
23          ultimate tally?

24          A.     (Kelly) No.

25          Q.     Did you make any changes in the

1 questionnaire based on your test?

2 A. (Kelly) All of the people that we  
3 tested it on said they could understand it,  
4 everything was fine. They didn't anticipate any  
5 problems.

6 Q. Who administered the survey to the  
7 actual respondents?

8 A. (Kelly) People at my company, Weston.

9 Q. Had these people ever done any  
10 interviewing before?

11 A. (Kelly) Yes, they had.

12 Q. How much experience had they had?

13 A. (Kelly) I would say, on average, they  
14 had a couple of telephone interviews. When we had  
15 to perform this, I went to the operations manager of  
16 my company to ask him who was available to do this  
17 work that had done previous telephone interviews,  
18 surveys before. And he told me the names of those  
19 people.

20 We had recently, sometime prior to this  
21 survey, conducted a survey for the Environmental  
22 Protection Agency and, I believe it was, the  
23 American Petroleum Institute. I believe most of  
24 those people were involved in that. There was one  
25 or two that were not involved in those, and I asked

1           them if they had conducted telephone interviews  
2           before and they said they had. But I can't tell you  
3           what surveys those were.

4           Q.     Did you supervise these individuals in  
5           any way while they were making the phone calls?

6           A.     (Kelly) Yes. What we did was, when we  
7           all went over the survey instrument I asked them to  
8           phone one person that they knew, to practice using  
9           it. We discussed what Dr. Mileti had discussed with  
10          me about the way to conduct the interviews. And  
11          then we got back together in the middle of the  
12          interviews--I won't say middle. A few days later.  
13          Some people hadn't been as far along as others, to  
14          go over any corrections. And each day in the  
15          beginning I would ask each of those people did they  
16          have any problems, did any of their people  
17          misunderstand the questions. Because we agreed that  
18          if any one particular item or if any item seemed to  
19          be confusing, that we would come up with a  
20          consistent explanation. But fortunately that was  
21          not a problem.

22                    Then as they completed the interviews,  
23                    I would generally go over it within a day or two  
24                    after each survey was done.

25           Q.     Within a day or two?



1           A.     (Kelly) Usually. Unless I was out of  
2 town or we missed--they may have been out of town.

3           Q.     I take it from your answer that you  
4 determined there really was no confusion in the  
5 questionnaire?

6           A.     (Kelly) That's correct.

7           Q.     And you were satisfied with the work  
8 that your interviewers did in conducting the  
9 examination?

10          A.     (Kelly) Yes. They got the information  
11 we needed.

12          Q.     And you had faith that they wrote down  
13 accurately what was told to them?

14          A.     (Kelly) Yes. They were instructed to  
15 write down what was told to them. And I have as  
16 much faith as I can, without sitting there watching  
17 them, but I believe they did write down answers as  
18 they received them.

19          Q.     Let's go just briefly to Attachment G,  
20 which we have already been looking at for a while.  
21 Go to page one of that. The type of people you  
22 interviewed were what you call emergency managers,  
23 such as fire chiefs, police, et cetera. Correct?

24          A.     (Kelly) That's correct.

25          Q.     And also bus company officials,

1 including owners, managers and dispatchers, et  
2 cetera?

3 A. (Kelly) That's correct.

4 Q. That constitutes the two groups of  
5 individuals you tried to talk to for these  
6 evacuations. Right?

7 A. (Kelly) That's correct.

8 Q. Now, in some cases, or at least one  
9 case, you weren't able to talk to what you call an  
10 emergency manager. Right?

11 A. (Kelly) That's right.

12 Q. In every case you were able to talk to  
13 a bus company official. Right?

14 A. (Kelly) That's correct.

15 Q. But in a number of the evacuations more  
16 than one bus company was involved. Isn't that  
17 right?

18 A. (Kelly) That's correct.

19 Q. And for some of those evacuations you  
20 weren't able to talk to representatives of all the  
21 bus companies involved, were you?

22 A. (Kelly) I can't recall. You are  
23 saying in some cases we could not interview all the  
24 bus drivers--

25 Q. No.

1 A. (Kelly) All the bus company officials?

2 Q. In some cases, isn't it true that while  
3 a bus company was involved in the evacuation, you  
4 were not able to talk to a representative of that  
5 bus company?

6 A. (Kelly) It may be, but I can't recall  
7 at this moment.

8 Q. How were the names of these individuals  
9 obtained?

10 A. (Kelly) Of the bus companies?

11 Q. No. The names of the individuals who  
12 you called. How were they obtained?

13 A. (Kelly) Well, generally, when we were  
14 speaking to the emergency manager, we would ask for  
15 the name of a person at the bus company that was  
16 used, and they'd give us the name. Often they would  
17 give us the number. If they didn't know, then we'd  
18 at least try to get the name of the bus company, of  
19 course, and then we'd call up the bus company  
20 directly and ask who might have this information.

21 Q. Let's step back a second. First you  
22 called the emergency manager for a particular  
23 emergency?

24 A. (Kelly) That's correct.

25 Q. How did you determine who the

1 appropriate emergency manager was?

2 A. (Kelly) In some cases we had names  
3 based on work we had done for another client. In  
4 cases where we might not have the name of an  
5 emergency management official, we would generally  
6 try to get in touch with the emergency management  
7 agency in the community, county or what have you and  
8 start there and see where we got.

9 Q. You say that from them, then, you got  
10 also the names of someone at one of the bus  
11 companies involved?

12 A. (Kelly) Generally, that's correct,  
13 yes.

14 Q. Although you can't say for sure that  
15 you were able to contact all the bus companies  
16 involved?

17 A. (Kelly) I can't--that may be true. I  
18 just can't remember if there were two companies and  
19 one official in one evacuation and we only got to  
20 one. I just can't recall right now.

21 Q. Were any steps taken to try to  
22 determine how many bus companies were involved in a  
23 particular evacuation?

24 A. (Kelly) As I recall, when we were  
25 getting the names from the bus--from the emergency

1 manager, we asked which bus companies were involved  
2 and, "Do you know anyone over there we could talk to  
3 that would have this information?" If he only gave  
4 us the name of one company, it is possible another  
5 company could have been used and we didn't know  
6 about it. So that is a possibility.

7 Q. What steps, if any, did the  
8 interviewers take to assure that the bus company  
9 official interviewed had knowledge of what was being  
10 asked of him?

11 A. (Kelly) Well, we asked him if he had  
12 knowledge of the incident. I mean, we didn't go to  
13 a supervisor or anything like that to check, but if  
14 the person said, "Yes, I was involved in that," or  
15 "I am aware of the facts of that," we'd interview  
16 them. Beyond that we didn't try to confirm anything  
17 else.

18 Q. For instance, you asked some pretty  
19 specific information. For instance, how many people  
20 live within the impact area. Right?

21 (Pause.)

22 Q. Isn't that one of the questions on the  
23 organizational survey?

24 A. (Kelly) It is. Number six.

25 Q. How do you know whether or not the

1 information you got was just a best guess or was  
2 based on actual knowledge?

3 A. (Kelly) Generally, the person who  
4 answered that question would be the emergency  
5 manager. In most cases, I think that is true. A  
6 few, it may not be. Those people--in any  
7 evacuation, in any emergency, all you have is the  
8 best guess by an emergency management official. Is  
9 it accurate? It is accurate to a degree because the  
10 guy is familiar with his community.

11 When we give damage assessments, things  
12 like that, it is always a best guess in emergency  
13 response.

14 Q. Well, you say that that information was  
15 answered by the emergency manager? How many bus  
16 drivers were in the impact--

17 A. (Kelly) You asked how many people were  
18 in the impact area, didn't you?

19 Q. If I did, then let's back up.

20 The question was asked of the bus  
21 driver or bus representative, "How many of your bus  
22 drivers had families in the impact area?" correct?

23 A. (Kelly) That is correct.

24 Q. That is question 37, which actually  
25 asks what percentage of the bus drivers had families

1 in the area at risk during the emergency. Right?

2 A. (Kelly) That's correct.

3 Q. Now, what did you or your interviewers  
4 do to assure that the information you  
5 were getting was accurate as opposed  
6 to just a best guess?

7 A. (Kelly) We relied on that bus company  
8 official to give a knowledgeable answer, a  
9 knowledgeable estimate of how many people, how many  
10 of his drivers had family in the risk area, and that  
11 is all we did.

12 Q. Did you ask him to check records?

13 A. (Kelly) No, we did not.

14 Q. In some of these cases, the accident  
15 had happened several years prior to your survey.  
16 Right?

17 A. (Kelly) That's correct.

18 Q. And you would agree, wouldn't you, that  
19 there could be a substantial difference between the  
20 actual number of people who lived in the impact area  
21 and the estimate that you got from your respondents.  
22 Isn't that correct?

23 A. (Kelly) I would say when you ask a  
24 person--if you ask a person, a bus company official,  
25 who was involved in an evacuation yesterday, he

1 would probably have a best guess that is probably as  
2 good as all these best guesses. It is not something  
3 you carry around on the tip of your tongue. I think  
4 it is reliable within a certain degree of error.

5 Q. What degree of error?

6 A. (Kelly) Well, obviously, that can't be  
7 answered. But I think--

8 (Witnesses confer.)

9 A. (Kelly) I am just going to have to  
10 answer your question as I did earlier. If they  
11 guessed five to ten percent, could there be a margin  
12 of error? Yes, there could be. But I think it is  
13 still a pretty reliable piece of information.

14 Q. What assurance do you have that the  
15 official you spoke to knew where the bus drivers  
16 lived in relation to the impact?

17 A. (Kelly) Because he said he knew and  
18 that is the estimate he gave. Beyond that, I can't  
19 confirm it any more.

20 Q. A related question is did you or your  
21 interviewers take any steps to assure that a  
22 representative from a particular bus company was the  
23 most knowledgeable person at that organization on a  
24 particular incident?

25 A. (Kelly) As I said before, usually an



1 emergency management person would tell us who was  
2 the bus company to contact. I am assuming that  
3 emergency manager gave us the name of a person that  
4 he has dealt with on emergency matters before and  
5 therefore he probably felt they knew the most. If  
6 we had to call a bus company official without any  
7 references we would ask who--we'd ask for a manager,  
8 generally, and ask who would have the information  
9 about this, and we'd get referred to a person. I am  
10 assuming the person we eventually were referred to  
11 had good knowledge about that emergency evacuation.

12 Q. Did you ever ask, for instance, whether  
13 anybody else in the organization had better records  
14 about where people lived?

15 A. (Kelly) No.

16 Q. Let's turn back a second to page 28.  
17 On page 28 you give or start to give the results of  
18 your organizational survey. Isn't that right, Mr.  
19 Kelly?

20 A. (Kelly) That's correct.

21 Q. The first conclusion you draw or  
22 finding that you draw is that there were no refusals  
23 to drive the buses by any notified bus drivers.

24 A. (Kelly) That's correct.

25 Q. Let me show you a document.

1 MR. CHRISTMAN: Other witnesses need a  
2 copy as well.

3 MR. McMURRAY: At this time I would  
4 like to have marked as Suffolk County Bus Driver  
5 Exhibit No. 6 a document which is a 12-page  
6 document. On the first page there is a listing of  
7 information. The first bit of information is  
8 "Incident, Marysville Flood." In the upper  
9 right-hand corner is the notation "1 o'clock call at  
10 4:00 p.m." I would like to have this marked Suffolk  
11 County Bus Driver Exhibit No. 6.

12 JUDGE GLEASON: It is a document of how  
13 many pages?

14 MR. McMURRAY: I believe it is 12. It  
15 starts at page two and goes to 13.

16 JUDGE GLEASON: The pages don't run  
17 consecutively, but it will be so designated as  
18 Suffolk County Bus Driver Exhibit No. 6.

19 (The document referred to was  
20 marked for identification as  
21 Suffolk County Bus Driver Exhibit  
22 No. 6.)

23 JUDGE GLEASON: Proceed.

24 Q. Let's turn to page six of the survey.  
25 Now, I would just like to state for the record, I

1 apologize for the quality of these copies. This is  
2 how we received them from LILCO and we asked again  
3 for clean copies and because of the quality of the  
4 originals--it is not LILCO's fault--the copies are  
5 not that good. We have the originals here. LILCO  
6 has brought them in case there is any question about  
7 any of the handwriting on here. I think we can  
8 proceed, though, without the originals, until there  
9 is a question.

10 On page six the question is asked, "Of  
11 those bus drivers contacted, what percentage refused  
12 to drive evacuation buses during the emergency?" Do  
13 you see that?

14 A. (Kelly) Yes, I do.

15 Q. Let me back up a second. Suffolk  
16 County Bus Driver Exhibit No. 6 is one of the survey  
17 instruments used in your survey. Right?

18 A. (Kelly) That's correct.

19 Q. And the incident that it pertains to is  
20 the Marysville flood. Right?

21 A. (Kelly) That's correct.

22 Q. And that occurred in California?

23 A. (Kelly) Yes.

24 Q. And the woman who was interviewed is  
25 Alice Colbert. Is that right?

1 A. (Kelly) Yes, that's correct.

2 Q. Even though it says "interviewer name,"  
3 actually that is the interviewee. Right?

4 A. (Kelly) That's correct.

5 Q. And she was asked various questions  
6 about the bus drivers who drove during that  
7 particular evacuation. Right?

8 A. (Kelly) Right.

9 Q. Turn to page six, then. The question  
10 is asked, "Of those bus drivers contacted, what  
11 percentage refused to drive evacuation buses during  
12 the emergency?" Do you see that?

13 A. (Kelly) Yes, I do.

14 Q. The answer is, "Two drivers, one  
15 mechanic." Correct?

16 A. (Kelly) Yes, I believe so.

17 Q. On page 17--sorry. Question 17, the  
18 question is, "Why did these drivers refuse to drive  
19 evacuation buses during the emergency?" The answer  
20 there is that "Their homes/families were in danger."  
21 Is that right?

22 A. (Kelly) Yes. That is what it says.

23 Q. Let's go to the second survey. This is  
24 a 13-page document, the first page of which states,  
25 "Interview schedule, bus driver study for

1 organizational respondents." In the upper right is  
2 written "Taft," T-a-f-t.

3 MR. McMURRAY: I would like this marked  
4 Suffolk County Bus Driver Exhibit No. 7.

5 JUDGE GLEASON: It will be so  
6 designated.

7 (The document referred to was  
8 marked for identification as  
9 Suffolk County Bus Driver Exhibit  
10 No. 7.)

11 Q. Mr. Kelly, you have seen this document  
12 before, haven't you?

13 A. (Kelly) Yes, I have.

14 Q. This is another one of the interview  
15 schedules prepared by people working under you,  
16 right?

17 A. (Kelly) That's correct.

18 Q. In this case, the interviewer--on page  
19 two, where it says "Interviewer's name: Pamela  
20 Emig," that is actually one of the interviewers. Is  
21 that right?

22 A. (Kelly) That is correct.

23 Q. The people who were interviewed are  
24 written in handwriting at the bottom of the page.  
25 Correct?

1 A. (Kelly) That's right.

2 Q. The person who answered questions one  
3 through 18 was somebody named John Ikey, I-k-e-y,  
4 Lucas, who is the emergency coordinator. Is that  
5 right?

6 A. (Kelly) That's correct.

7 Q. Turn then to page six of the survey  
8 instrument. Question 16 asks, "Of those bus drivers  
9 contacted, what percentage refused to drive  
10 evacuation buses during the emergency?" Do you see  
11 that?

12 A. (Kelly) Yes, I do.

13 Q. It says, "Two or three bus drivers."  
14 Right?

15 A. (Kelly) Yes, it does.

16 Q. For question 17 it is asked, "Why did  
17 these drivers refuse to drive evacuation buses  
18 during the emergency?" Correct?

19 A. (Kelly) That's right.

20 Q. It states, "Frightened themselves, but  
21 most importantly wanted to take care of own  
22 families." Correct?

23 A. (Kelly) Yes.

24 Q. Is that written in Pam Emig's  
25 handwriting?

1 A. (Kelly) Yes, it is.

2 Q. Let's go back to page 28--

3 MR. McMURRAY: Before we do that, at  
4 this time, Judge Gleason, I would like to move  
5 Suffolk County Bus Driver Exhibits 6 and 7 into  
6 evidence.

7 JUDGE GLEASON: Is there objection?

8 MR. CHRISTMAN: No, sir.

9 MR. ZAHNLEUTER: No objection.

10 MS. YOUNG: No objection.

11 JUDGE GLEASON: Exhibit Nos. 6 and 7  
12 will be placed in evidence.

13 (Suffolk County Bus Driver  
14 Exhibit Nos. 6 and 7 were  
15 received in evidence.)

16 Q. The next item says that "All bus  
17 drivers reported for duty after being contacted."  
18 Do you see that?

19 A. (Kelly) Yes, I do.

20 Q. Isn't it true that in at least one case  
21 and perhaps more, while some bus drivers reported  
22 for duty, they left to go take care of their  
23 families?

24 A. (Kelly) After reporting to duty they  
25 left?

1 Q. After reporting to duty.

2 A. (Kelly) As I recall, in one case--it  
3 may have been Marysville--

4 (Witnesses confer.)

5 A. (Kelly) As I recall, there was at  
6 least one case where they let people go home  
7 afterwards, after th had reported.

8 Q. And they let them go home to take care  
9 of their families. Right?

10 A. (Kelly) I'd have to look at the exact  
11 reason, but it had something to do with the hazard.  
12 If people wanted to go--I think one percent of the  
13 people chose to go home at that point. It may have  
14 been that reason.

15 Q. You don't recall?

16 A. (Kelly) Not offhand, no. I have to  
17 look.

18 Q. Do you know whether those were the one  
19 percent whose family lived in the impact area?

20 A. (Kelly) Well, if that was the reason,  
21 one could assume that they went home because they  
22 lived in the impact area. As I said, I'd have to  
23 look at that particular case.

24 MR. McMURRAY: Judge Gleason, this is  
25 probably a good time for the break if you want to



1 take it.

2 JUDGE GLEASON: All right. We will  
3 take a five-minute break.

4 (Brief recess.)

5 JUDGE GLEASON: Proceed, Mr. McMurray.

6 BY MR. McMURRAY:

7 Q. Let's go to the bottom of page 28, the  
8 last line item there, Mr. Kelly. There you report  
9 three cases where bus drivers were reported to have  
10 arrived late for duty. Correct?

11 A. (Kelly) That's right.

12 Q. And in one case, that was due to  
13 traffic congestion. Right?

14 A. (Kelly) That's right.

15 Q. You report that based on your  
16 corrections of the other day, that one of the bus  
17 companies in the Pinellas, Florida incident reported  
18 that about 10 of their bus drivers showed up late  
19 because they first helped to take care of their  
20 families?

21 A. (Kelly) It was 10 percent, which was  
22 about--

23 Q. What did I say? 10 drivers?

24 A. (Kelly) 10 drivers.

25 Q. 10 percent. And that 10 percent is

1 about 20 drivers?

2 A. (Kelly) That's correct.

3 Q. Isn't it true that another bus company  
4 involved in the Pinellas incident also reported that  
5 its drivers reported late?

6 A. (Kelly) I don't believe so. I'd have  
7 to look at the particular document that you are  
8 referring to. I thought it was that one bus  
9 company.

10 MR. McMURRAY: Let me hand out another  
11 one of the survey instruments. This is a 12-page  
12 document. It starts on page two. The incident that  
13 is reported is Hurricane Elena. Location is  
14 Pinellas County, Florida. Where it says  
15 "Interviewer name," it is actually the interviewee.  
16 It is David R. Bilodeau, B-i-l-o-d-e-a-u.

17 I would like this document marked as  
18 Suffolk County Bus Driver Exhibit No. 8 for  
19 identification.

20 JUDGE GLEASON: It will be so marked.

21 (The document referred to was  
22 marked for identification as  
23 Suffolk County Bus Driver Exhibit  
24 No. 8.)

25 Q. Mr. Kelly, have you seen this document

1 before?

2 A. (Kelly) Yes, I have.

3 Q. This is one of your survey instruments,  
4 correct?

5 A. (Kelly) Yes, it is.

6 Q. Actually, Mr. Bilodeau was one of the  
7 people interviewed, right?

8 A. (Kelly) Yes, he was.

9 Q. He was not a bus company official but  
10 rather the director of emergency management?

11 A. (Kelly) That's correct.

12 Q. Let's go to page seven of the document.  
13 Let me ask you first, as director of emergency  
14 management for Pinellas County, what were Mr.  
15 Bilodeau's duties during the time of Hurricane  
16 Elena?

17 A. (Kelly) I'd have to answer that on the  
18 basis of what most emergency--county emergency  
19 managers would do. They would be in charge of  
20 coordinating the emergency response, probably from  
21 the emergency operations center in that community.

22 Q. Here, he is one of the people that you  
23 assumed had accurate information about the accident.  
24 Right? Not the accident, but about the disaster?

25 A. (Kelly) Yes, that's correct.

1 Q. On page seven, question 22 asks the  
2 question, "Of those bus drivers contacted, who did  
3 show up to drive evacuation buses? What percentage  
4 showed up late?" Do you see that?

5 A. (Kelly) Yes, I do.

6 Q. The percentage given there is "UK," for  
7 unknown. Right?

8 A. (Kelly) That's correct.

9 Q. Then it goes on to say, however--and on  
10 the copies everyone has this is sort of blurry, but  
11 I have looked at the originals and I will read what  
12 I have seen and you can correct me if I am wrong,  
13 Mr. Kelly. It says after that, though, "But some  
14 problems since dispatch took three hours. Normal is  
15 30 minutes."

16 Is that what that says?

17 A. (Kelly) Yes.

18 Q. Question 23 asks, "Why did those  
19 drivers show up late?" And below it, and again this  
20 is blurred, I will read what the original says. It  
21 says, "Odd hour of notice/tending to personal  
22 business." Right?

23 A. (Kelly) Yes. He was apparently  
24 referring to that other company that I just  
25 mentioned.

1 Q. You say "apparently." Do you know that  
2 he was referring to the other company?

3 A. (Kelly) Well, the point was we talked  
4 to the companies themselves, and the one reported  
5 that 10 percent. And this person is referring to  
6 bus drivers that he knew to have shown up late. The  
7 natural assumption is that it is that company. It  
8 wouldn't be a separate company.

9 Q. It took dispatch of those buses three  
10 hours whereas the normal was 30 minutes. Right?

11 A. (Kelly) That is what he reports.

12 Q. Wasn't there another example, Mr.  
13 Kelly, where 75 percent of one bus company's  
14 personnel were reported to have arrived late?

15 A. (Kelly) I don't recall that at all.  
16 There was a case in Miamisburg, which is in my  
17 testimony. I don't think it was that many. I don't  
18 believe so.

19 Q. I am referring to the Pinellas County  
20 incident.

21 Let me show you another document. This  
22 is a 13-page document, also an interview schedule.  
23 The first page says, "Interview schedule, bus driver  
24 study for organizational respondents." The second  
25 page notes that the incident is Hurricane Elena.

1 The location is Pinellas County, Florida. Where it  
2 says "Interviewer name," the interviewee is noted as  
3 Larry C. Newman.

4 MR. McMURRAY: I would like to have  
5 this document marked Suffolk County Bus Driver  
6 Exhibit No. 9 for identification.

7 JUDGE GLEASON: It will be so  
8 designated.

9 (The document referred to was  
10 marked for identification as  
11 Suffolk County Bus Driver Exhibit  
12 No. 9.)

13 Q. Have you seen this document before, Mr.  
14 Kelly?

15 A. (Kelly) Yes, I have.

16 Q. Mr. Newman is identified as the  
17 interviewee here. Correct?

18 A. (Kelly) That's right.

19 Q. Is he with a different company from the  
20 company that reported the 10 percent arriving late?

21 A. (Kelly) Yes, he is, I believe. Yes.

22 Q. As a matter of fact, he is the  
23 executive director of the--I think it says Sun Coast  
24 Transit Authority. Is that right?

25 A. (Kelly) Yes.

1 Q. Let's go to page eight of the exhibit.  
2 It says, "Did any evacuation bus drivers help to  
3 evacuate their families before showing up for duty  
4 to drive evacuation buses?" Do you see that?

5 A. (Kelly) Yes.

6 Q. There are two answers given?

7 A. (Kelly) Yes.

8 Q. There is an "X" that says, "No, none in  
9 low-lying area, none with need to move family."

10 Do you see that?

11 A. (Kelly) Yes, I do.

12 Q. But also it says 75 percent helped to  
13 secure family possessions. Do you see that?

14 A. (Kelly) Yes, I do. The reason is  
15 fairly obvious to me. If you want me to provide  
16 some explanation in answer to question 22, he said  
17 no one showed up late and there there is obviously  
18 notes about what people were doing. If you refer to  
19 question number 15, there were a lot of people out  
20 of town for the weekend, off day for operatives.

21 Obviously, in my opinion since he  
22 answered "No, no one showed up late," he was  
23 referring to these other people who were either out  
24 of town for the weekend or helping to secure the  
25 family, that they couldn't get in touch with. It is

1 a little unclear exactly, but that is the conclusion  
2 I came to on this case, where he clearly, without  
3 any notes, said no one showed up late.

4 Q. Was there a matter cleared up by the  
5 interviewee with the respondent--sorry. By the  
6 interviewer?

7 A. No. That is my explanation.

8 Q. Your interpretation of this?

9 A. (Kelly) That's correct.

10 Q. You didn't go back and call Mr. Newman  
11 about this?

12 A. (Kelly) No, I did not.

13 Q. Isn't it true also that in some other  
14 cases respondents that you spoke to didn't know  
15 whether bus drivers arrived late or not?

16 A. (Kelly) I'm sorry. Can you--

17 Q. Isn't it true--I will restate it--that  
18 some of the other respondents that you and your  
19 people spoke to did not know whether or not bus  
20 drivers arrived late?

21 A. (Kelly) As I recall, there was  
22 maybe--well, at least one other case where people  
23 didn't provide an answer, as I recall. Didn't know.

24 Q. Was it only one or was it more?

25 A. (Kelly) It may have been more. I can



1 look through and find out but--

2 Q. When you say they didn't provide an  
3 answer, you mean it wasn't answered at all?

4 A. (Kelly) I'd have to look.

5 Q. For instance, some of them said they  
6 don't know. Right?

7 A. (Kelly) I'd have to look right now.  
8 They didn't know or didn't provide an answer, which  
9 would indicate to me they didn't know.

10 Q. You are unable to say at this time how  
11 many either didn't know or didn't provide an answer?

12 A. (Kelly) Right. I could look if you  
13 would like me to.

14 Q. Maybe we can save that for the lunch  
15 break.

16 Let's go to page 29. There it says,  
17 the first bullet says, "After receiving the duty  
18 call, only three to five bus drivers in one event,  
19 Miamisburg, helped evacuate their families before  
20 showing up for duty." Do you see that?

21 A. (Kelly) Yes, I do.

22 Q. But it is true, isn't it, that in the  
23 document we have marked as Suffolk County Bus Driver  
24 Exhibit 9 for identification, there, 75 percent was  
25 stated to help secure their family possessions.

1 Right?

2 A. (Kelly) What was the name of the  
3 incident on that exhibit?

4 Q. That is Mr. Newman in Pinellas County.

5 A. (Kelly) Okay. And your question was?

6 Q. The question was, isn't it true that we  
7 just saw from that exhibit that 75 percent helped to  
8 secure their family possession before showing up  
9 for duty to drive evacuation buses?

10 A. (Kelly) It didn't say that they were  
11 evacuating their families.

12 Q. You are drawing a distinction between  
13 those who evacuated their families and those who  
14 merely took the time to secure possessions. Right?

15 A. (Kelly) On that question, I am. We  
16 asked very specifically to any bus driver who helped  
17 to evacuate the family before showing up for duty.

18 Q. Do you state in your testimony how many  
19 bus drivers helped secure family possessions or do  
20 other things that might delay their arrival prior to  
21 reporting for duty?

22 A. (Kelly) Well, there were other things.  
23 If you look at question 22, it asks how many were  
24 late. 24 talks about did they arrive late because  
25 of concern for the safety of their family. It also,

1 in 23, asks why did those drivers show up. It asks  
2 for the length of time on 25. 26 asked if the  
3 reason was for evacuation. Here, in this particular  
4 case you are referring to, they clearly say "secure  
5 family possessions," which is not evacuate. I am  
6 not sure why the person wrote it in that particular  
7 space, but it is clear they didn't help them  
8 evacuate.

9 Q. So, there are other things that a bus  
10 driver might do besides reporting for duty or  
11 evacuating. Right?

12 A. (Kelly) That is correct.

13 Q. For instance, taking time to secure  
14 family possessions. Right?

15 A. (Kelly) That's correct.

16 Q. In how many instances do you know  
17 where, in your surveys, did respondents state that  
18 the first thing done before reporting for duty was  
19 to secure family possessions?

20 MR. CHRISTMAN: Objection.

21 Q. Or take care of the home?

22 MR. CHRISTMAN: The issue here is role  
23 conflict. I think Mr. McMurray is asking about  
24 other reasons one might be delayed in reporting for  
25 duty.

1 MR. McMURRAY: Absolutely not.

2 JUDGE GLEASON: We are trying to  
3 clarify what the reasons were, so proceed.

4 (Witnesses confer.)

5 JUDGE GLEASON: Is there a question  
6 pending?

7 MR. McMURRAY: I thought there was. I  
8 thought you were going to supplement your answer.

9 WITNESS KELLY: Could you ask me the  
10 question again, please?

11 (Record Read.)

12 A. (Kelly) They could have provided an  
13 answer like that in a number of different  
14 categories. They could have written it after number  
15 22 or number 23 or in clarifying number 24. So, I  
16 would need a few minutes to go through and look for  
17 that reason.

18 Q. Let's not take time for that now.

19 You make the statement in that first  
20 bullet on page 29 that in only one event,  
21 Miamisburg, did people help evacuate their families  
22 before showing up for duty, but isn't it true you  
23 have already stated that in Pinellas County 10  
24 percent from one bus company were late because they  
25 were first taking care of their family?

1           A.     (Kelly) Taking care of the families.  
2 They didn't say evacuating the families.

3           Q.     You mean because the words written down  
4 were "taking care of family," you made a distinction  
5 between taking care and evacuating?

6           A.     (Kelly) The fact of the matter is I  
7 couldn't say "evacuate" if they said "taking care of  
8 the family." They could have been boarding up the  
9 house, which many people do. There were a number of  
10 explanations or reasons for that. I could not  
11 clearly say they evacuated those families. That is  
12 all.

13          Q.     You seem to be making the assumption,  
14 though, that they did not evacuate the family.

15          A.     (Kelly) That is because all I can say  
16 is what is said on the form, and that was "take care  
17 of families," as I recall. But I don't know what  
18 "takes care of families" means.

19          Q.     It could mean evacuate, couldn't it?

20          A.     (Kelly) But when we are talking  
21 about--it is possible it could have meant that, yes.

22          Q.     You didn't ask your interviewer to go  
23 back and find out "what take care of family" means,  
24 did you?

25          A.     (Kelly) Did we pull out that form?

1 Q. That is not an exhibit yet.

2 A. (Kelly) The 10 percent--

3 Q. The 10 percent is not an exhibit yet.

4 We can make it an exhibit.

5 A. (Kelly) I think--well, I will wait for  
6 the exhibit.

7 MR. McMURRAY: At this time I will hand  
8 out a 13-page document which says on the front  
9 "Interview schedule, bus driver survey for  
10 organizational respondents." In the upper  
11 right-hand corner it says "Jim Gray, Pinellas School  
12 Transportation," and something that is obscured.

13 I would like to have this document  
14 marked as Suffolk County Bus Driver Exhibit No. 10  
15 for identification.

16 JUDGE GLEASON: It will be so  
17 designated.

18 (The document referred to was  
19 marked for identification as  
20 Suffolk County Bus Driver Exhibit  
21 No. 10.)

22 A. (Kelly) I can answer your previous  
23 question more clearly now if you'd like.

24 Q. You have seen Suffolk County Exhibit  
25 No. 10 before, Mr. Kelly?

1 A. (Kelly) Yes, I have.

2 Q. This is responded to by a man named Jim  
3 Gray. Correct?

4 A. (Kelly) Yes, it is.

5 Q. And he is, as it says on page two, the  
6 director of transportation, Pinellas County School  
7 Board?

8 A. (Kelly) That's right.

9 Q. On page seven, in answer to question  
10 22, it is asked, "Of those bus drivers contacted who  
11 did show up to drive evacuation buses, what  
12 percentage showed up late?" The answer is 10  
13 percent. Right?

14 A. (Kelly) That's right.

15 Q. And the answer for why they showed up  
16 late is "Taking care of family," correct?

17 A. (Kelly) Right.

18 Q. This is the incident that you do cite  
19 in your testimony. Correct? You cite this on the  
20 previous page, right?

21 A. (Kelly) Yes, on the previous page, in  
22 reference to the bullet that you asked me about,  
23 about evacuation, I said--

24 Q. But you don't cite it with respect to  
25 the statement at the top of page 29, that after

1 receiving the duty call only three to five bus  
2 drivers in one event, Miamisburg, helped evacuate  
3 their families, correct?

4 A. (Kelly) That's correct, because they  
5 answered "no" to number 26, and that is why I  
6 assumed "taking care of the family" meant something  
7 other than evacuating the family.

8 Q. And what did you do to assure yourself  
9 that in fact, other than that, that "taking care of  
10 family" meant something other than evacuating, meant  
11 something other than just securing the family or  
12 help secure the house?

13 A. (Kelly) Since there was no comment  
14 about it, it seems to be very clear that it was not  
15 to help evacuate the family. That is all I felt I  
16 needed. It was pretty clear to me.

17 Q. Did anyone call Mr. Newman back to try  
18 to find out exactly what he meant by "taking care of  
19 family"?

20 A. (Kelly) No.

21 Q. You state that in nine of the  
22 evacuations, five percent to 100 percent of the  
23 drivers had families in the area at risk during the  
24 emergency. Do you see that?

25 A. (Kelly) That's correct.



1 Q. And that means, then, that, since you  
2 had 19 evacuations you looked at, in 10 of those  
3 incidents the bus drivers didn't even have any  
4 family in the impact area. Right?

5 A. (Kelly) They either didn't have family  
6 or an answer wasn't provided to that question. They  
7 didn't know.

8 Q. Then you say five percent to 100  
9 percent of the drivers had families in the area at  
10 risk in those nine evacuations you cite. Right?

11 A. (Kelly) That's right.

12 Q. That is a fairly large range, Mr.  
13 Kelly. Which of the emergencies was 100 percent?

14 A. (Kelly) I believe that was in the  
15 Woodburn, Hicksville incident.

16 Q. The Woodburn, Hicksville incident?

17 A. (Kelly) That's correct.

18 Q. How many buses were involved in that?  
19 How many bus drivers?

20 A. (Kelly) Ten. There were 10 buses used  
21 so I am assuming there were 10 bus drivers.

22 Q. Isn't it true in that incident that  
23 some of the respondents reported doing something to  
24 secure their family before they reported?

25 A. (Kelly) Yes. I would like to take a

1 look at that because I think in that case, as I  
2 recall, this person helped evacuate his family prior  
3 to being notified to report to work. But I think if  
4 we looked at that, that would clarify that matter.

5 Q. But nevertheless, you included that  
6 among those you state did not help evacuate the  
7 family before showing up for duty. Right?

8 A. (Kelly) Because the statement says  
9 "after receiving the duty call." This person hadn't  
10 received the duty call, as I recall.

11 Q. You are making a distinction between  
12 whether the notice to--whether the evacuation that  
13 was performed of family units occurred before or  
14 after the duty call. Right?

15 A. (Kelly) For this matter, you would  
16 have to.

17 Q. In that incident, isn't it true that  
18 there was time to evacuate the family before the  
19 duty call?

20 A. (Kelly) There obviously was some time  
21 between the time he evacuated his family and the  
22 duty call came in. The point is, my statement said  
23 after receiving a duty call, after he had been  
24 informed that they wanted him to drive a bus, he had  
25 evacuated his family and that was an important--

1 Q. Let's back off of that. We will come  
2 back to it.

3 For a number of the incidents, I think  
4 we already established, you called more than one bus  
5 company. Right?

6 A. (Kelly) Yes.

7 Q. Isn't it true that various bus  
8 companies gave you different figures for the number  
9 of drivers who were at risk or whose families were  
10 at risk?

11 A. (Kelly) Yes, I believe so.

12 Q. For instance, I have looked at the  
13 Marysville surveys and I see that one person said  
14 that nobody was at risk. Another said 25 percent  
15 were at risk. Another said two out of 23 were at  
16 risk. Another said zero at risk and another one  
17 stated that 90 percent were at risk.

18 Now, you can accept that or check my  
19 figures yourself, but let's assume for the moment  
20 that those are right.

21 How did you determine for the purposes  
22 of tallying up the responses whether or not you  
23 considered that evacuation to have zero drivers at  
24 risk or 90 percent at risk or something in between?

25 A. (Kelly) I think I probably looked at

1 the percentages, as opposed to the number of drivers  
2 and--

3 (Witnesses confer.)

4 A. (Kelly) I think my--it is hard for me  
5 to recall at this point, but I think I looked at the  
6 percentages--it is hard- I'd have to look at the  
7 figures and the numbers to tell you exactly why--how  
8 I came up with that because I can't recall whether I  
9 just did it by bus company or added them all  
10 together to come up with a percentage. I just can't  
11 recall at this point.

12 Q. Did you actually do the tallying of--

13 A. (Kelly) I did. I just can't recall  
14 that. If I could look at your figures, I could give  
15 you an answer in a moment.

16 Q. I am giving you the figures for all the  
17 Marysville respondents. Don't do it now. Let's do  
18 it at lunch. We can come back to it after lunch.  
19 The figures I gave you, by the way, are those  
20 drawn--I can read them again, but why don't you just  
21 look at the Marysville surveys and we can come back  
22 and talk about that.

23 You state in the next bullet down that  
24 there were no reports of bus drivers not doing their  
25 job as well as they could have. Do you see that?

1 A. (Kelly) Yes, I do.

2 Q. And that was despite the fact that at  
3 least in some of these emergencies that we have seen  
4 either some bus drivers did not report or reported  
5 late. Right? That is still in light of those data,  
6 right?

7 A. (Kelly) That's correct. That was  
8 derived from the question, "What percentage of the  
9 drivers who actually did drive evacuation buses did  
10 not do their jobs as well as they could have?"

11 Q. So that some of the respondents  
12 reported that drivers may have arrived late, for  
13 instance, but nevertheless reported that there were  
14 no reports of bus drivers not doing their job as  
15 well as they could have. Is that right?

16 A. (Kelly) That's correct.

17 Q. In the next bullet down you state that  
18 in seven of the 19 evacuations bus drivers did not  
19 know beforehand that they had an emergency role. Do  
20 you see that?

21 A. (Kelly) Yes, I do.

22 Q. In any of those emergencies, did the  
23 drivers have families inside the impact area? Do  
24 you know right now?

25 A. (Kelly) Yes. I believe there were

1 five families who knew they had--five families of  
2 bus drivers who knew they had roles that were  
3 located--some percentage of those drivers had  
4 families in the risk area.

5 Q. I am not sure we are communicating.

6 In this bullet you are talking about  
7 bus drivers who didn't know beforehand that they had  
8 an emergency role. Right?

9 A. (Kelly) That's right.

10 Q. Of those who didn't know they had an  
11 emergency role--

12 A. (Kelly) Who did not know they had an  
13 emergency role?

14 Q. Who did not know they had an emergency  
15 role, how many had family inside the impact area at  
16 the time of the impact?

17 A. (Kelly) Let me give you a complete  
18 answer so you know I answered correctly. There were  
19 four bus drivers who did not know they had a role in  
20 the emergency prior to the emergency that did have  
21 families in the risk area, in the impact area.

22 Q. Are you basing that on your bus driver  
23 survey or your organizational survey?

24 A. (Kelly) Organizational.

25 Q. Could you state that for me again?

1           A.     (Kelly) Sure. There were four cases  
2 where the response was no, they did not know they  
3 had a role in the emergency where some of those bus  
4 drivers had families in the impact area.

5           Q.     At the time of the impact?

6           A.     (Kelly) Let me double check how the  
7 question was worded. It was number 37, what I am  
8 looking at.

9           Q.     37 on any one of these surveys we have  
10 introduced at exhibits.

11          A.     (Kelly) The question read, "What  
12 percentage of these potential bus drivers had  
13 families in the area at risk during the emergency?"  
14 And there were a number. Of that, in four cases  
15 people did not know they had a role prior to the  
16 emergency that did have families in the risk area at  
17 the time of the emergency.

18          Q.     In those cases, how many instances were  
19 there in which drivers either showed up late or did  
20 something before reporting?

21          A.     (Kelly) One--in one case, the  
22 Marysville case, there was one or two drivers I  
23 believe showed up late. That was--one of four is  
24 the answer.

25          Q.     Marysville, some didn't show up at all.

1 Right?

2 A. (Kelly) In the Marysville, as I  
3 recall, there were two drivers who physically  
4 couldn't show up because the bridge was out or  
5 something like that. What they did instead was they  
6 proceeded to a nursing home and helped them  
7 evacuate. They just physically couldn't show up,  
8 not that they chose not to show up, as I recall.

9 Q. Let's look for a minute at Suffolk  
10 County Exhibit 6, which has been received as an  
11 exhibit. On page six, two drivers, one mechanic  
12 didn't report because their homes and families were  
13 in danger. That is what it says there. Isn't that  
14 right?

15 A. (Kelly) Could you just tell me the  
16 name on the front because I didn't mark them with  
17 the exhibit number?

18 Q. Yes. That is Alice Colbert, Marysville  
19 flood.

20 A. (Kelly) On page six?

21 Q. Page six. We have gone over this  
22 before. On page six, the answer to question 16  
23 is--the question is, "Of those bus drivers  
24 contacted, what percentage refused to drive  
25 evacuation buses during the emergency?" The answer



1 is, "Two drivers, one mechanic." Right?

2 A. (Kelly) Right.

3 Q. Number 17, the reason given is, "Their  
4 homes/families were in danger." Isn't that right?

5 A. (Kelly) Right. In that particular  
6 case they were not actually called in to drive the  
7 evacuation buses because their homes were in danger.

8 Q. That is not what that says here. It  
9 says, "Of those contacted, what percentage  
10 refused"--refused--"to drive evacuation buses during  
11 the emergency?" It says, "Two drivers and one  
12 mechanic," right?

13 A. (Kelly) Right. When I was preparing  
14 the testimony and going through the data, and  
15 obviously this and I think one other case were the  
16 other places where there was a possibility of role  
17 abandonment. So I called Alice Colbert to get the  
18 details of why these people abandoned their role,  
19 because obviously that was of interest to the study.  
20 She said to me that she thought she had made it  
21 clear to the interviewer that they had not actually  
22 called those people because they were in the risk  
23 area. So, in fact, they did not abandon their role.  
24 They were just never called to perform the bus  
25 driver function.

1           Q.     You mean, it says here that these  
2 were--those drivers were contacted but now you are  
3 saying those drivers weren't contacted?

4           A.     (Kelly) The woman--when I called and  
5 said, "I have a report that two or three of your  
6 people did not show up and it was because their  
7 families had homes in the danger area," she said, "I  
8 tried to make this clear to your interviewer. We  
9 didn't call them because we knew their homes were in  
10 the danger area."

11          Q.     Did you talk to the person who did the  
12 interview about this?

13          A.     (Kelly) Yes, I did. I asked her if  
14 she knew, and she didn't recall anything like that.

15          Q.     She didn't recall that?

16          A.     (Kelly) She just wasn't sure.

17          Q.     You said before that you had faith that  
18 what was written down here on these interview sheets  
19 was accurate.

20          A.     (Kelly) I did. And when it came time  
21 to prepare testimony--after I prepared this the  
22 first--a day or two after it was done, I looked at  
23 that and there was one other case where--the other  
24 one you mentioned, Taft. I said, "Good, there is at  
25 least two examples." That was not bothersome to me

1 in any way. When it came time to prepare the  
2 testimony, I obviously needed more explanation so  
3 then I called them. Intellectual curiosity.

4 Q. You are saying you called--

5 A. (Kelly) I believed what they said. I  
6 was just calling to get more information. At that  
7 time they denied it happened. That is all.

8 Q. Who did this interview?

9 A. (Kelly) That was a person named John  
10 Klucsik.

11 Q. John Klucsik didn't get the information  
12 right, did he?

13 JUDGE GLEASON: Excuse me, Mr. Kelly.  
14 Whom did you call?

15 WITNESS KELLY: I called Alice Colbert,  
16 the person who was interviewed.

17 JUDGE GLEASON: You said you called  
18 them?

19 WITNESS KELLY: Sorry. I called her.

20 I called to get an explanation. I  
21 assumed the information was correct as I assumed all  
22 the information was correct. And she said that that  
23 wasn't the case, that the interviewer apparently  
24 misunderstood or didn't write down completely or  
25 what have you in this one case.

1 Q. How do you know it was just this one  
2 case? How do you know Mr. Klucsik didn't put down  
3 incorrect information in other places?

4 A. (Kelly) Well, I already told you how  
5 we went through our quality control and how assured  
6 I was the accurate was data (sic). There is always  
7 the possibility of error. In the information in  
8 these two cases, I thought it was important to find  
9 out the reasons why there was role abandonment so I  
10 called. So I happened to find out that they were  
11 wrong in this case.

12 Q. Did you go back and call the people who  
13 stated there wasn't role abandonment to find out  
14 whether or not your interviewer had--

15 A. (Kelly) I hadn't called anyone where  
16 there was role--I called the two cases where there  
17 was a possibility where role abandonment occurred.  
18 There was only the two cases. Everywhere else there  
19 was not a potential for it.

20 Q. After finding out that Mr. Klucsik did  
21 not get this particular answer right, did you go  
22 back and check any other of Mr. Klucsik's work?

23 A. (Kelly) I checked through all of the  
24 work. I made two follow-up calls on the two most  
25 important pieces of information and that is all--

1 Q. And when you found out Mr. Klucsik  
2 hadn't gotten it right, did you then go back and  
3 check all of his work after that?

4 A. (Kelly) Did I re-phone the person is  
5 what you are asking?

6 Q. Did you do anything to assure yourself  
7 after that that Mr. Klucsik had done his job  
8 correctly?

9 A. (Kelly) No. I don't think one error  
10 like that is indicative of major problems all over.

11 Q. This is an important issue in the  
12 testimony, isn't it?

13 A. (Kelly) That is why I called to  
14 clarify that.

15 Q. But you didn't call up to clarify  
16 instances where people may have stated that there  
17 wasn't role abandonment, did you?

18 A. (Kelly) No. I didn't recall everyone  
19 that had been interviewed.

20 Q. When did you call Ms. Colbert?

21 A. (Kelly) I believe it was late March,  
22 possibly. We were--I was preparing to write the  
23 testimony and I believe that was late March.

24 Q. Your survey data was provided to the  
25 Governments, wasn't it, your survey questionnaires,

1 is that right?

2 A. (Kelly) Provided to whom?

3 Q. Suffolk County and the State. Isn't  
4 that right?

5 A. (Kelly) These forms--yes. The lawyers  
6 apparently provided that to you.

7 Q. When you made your second survey of  
8 Mrs. Colbert, did you write anything down?

9 A. (Kelly) Well, I didn't go through the  
10 survey again. I, in preparing the testimony, I  
11 called to ask for an explanation, a more detailed  
12 explanation of why these people hadn't reported.

13 Q. Did you write down a new answer to this  
14 question?

15 A. (Kelly) In this case, I did write the  
16 comment in the column.

17 Q. But that information was not passed on  
18 to Suffolk County or New York State. Is that right?

19 A. (Kelly) I don't know. I mean, this I  
20 got from you. I am assuming that you had that. You  
21 just handed this to me.

22 Q. I didn't hand that to you.

23 A. (Kelly) This is one of your exhibits.

24 MR. CHRISTMAN: It is a Suffolk County  
25 exhibit?

1           A.     (Kelly) I don't know if you had it or  
2 not but I got this from you.

3           Q.     You called Ms. Colbert and what did you  
4 ask her?

5           A.     (Kelly) I said--I said who I was. I  
6 said that I was going over the data and I said it  
7 was interesting to me that--I am paraphrasing.  
8 Obviously I can't remember exactly. I said, "It was  
9 recorded on our form that there were two or three  
10 drivers or two drivers and one mechanic that refused  
11 to work and, apparently, because their homes and  
12 families were in danger." And I asked her if she  
13 could provide any additional information about that.  
14 And she responded that that was not the case, that  
15 those--there were two or three of her people that  
16 had families in the area and that is why they didn't  
17 call. And she said, "I thought I made that clear to  
18 the original interviewer."

19           Q.     That may be an indication that the  
20 questionnaire was unclear, isn't it, Mr. Kelly?

21           A.     (Kelly) If it is, that is the only  
22 time it showed up and I never heard of any other  
23 problem.

24           Q.     On the Taft--

25           A.     (Kelly) As I recall, she didn't say

1 she didn't understand the question. She thought  
2 that she had answered it in this way to begin with.  
3 So I don't think that is a reflection on the  
4 question itself.

5 Q. It may be a reflection on the  
6 interviewer, right?

7 A. (Kelly) He may have missed putting in  
8 a couple of the words. That's correct.

9 Q. Let's go to the Taft. Since you stated  
10 you made another call on the Taft accident, let's go  
11 through there. That is Suffolk County Exhibit 7.

12 Mr. Kelly, let me ask you, did your  
13 interviewers know what the purpose of the study was?

14 A. (Kelly) Yes. I mean, we had a meeting  
15 prior to this and I discussed with them that--well,  
16 that I had a client who asked us to do this. We  
17 went over the survey. I think they understood the  
18 purpose of the survey was to collect information  
19 about bus drivers and how they responded.

20 Q. And they understood that this was with  
21 respect to the issue of role conflict or role  
22 abandonment. Is that right?

23 A. (Kelly) Yes.

24 I believe I--I probably told them that  
25 the issue dealt with role conflict, should people



1 stay with their families or would they--abandon  
2 their roles or help their family. Briefly, I  
3 described the issue to them, yes.

4 Q. On page six, of Suffolk County Bus  
5 Driver Exhibit 7, there it says two or three bus  
6 drivers refused to drive evacuation buses because  
7 they were frightened themselves, but most important,  
8 they wanted to take care of their own families. Do  
9 you see that?

10 A. (Kelly) Yes, I do.

11 Q. Apparently you made another call about  
12 that. Correct?

13 A. (Kelly) Yes, I did.

14 Q. Apparently you have drawn the  
15 conclusion that there was no refusal to report  
16 there. Is that right?

17 A. (Kelly) That's correct.

18 Q. What is the basis for your conclusion?

19 A. (Kelly) I called the person, John Ikey  
20 Lucas. He was not there, but Peggy--I can't  
21 remember--no, it wasn't Peggy. What was the woman's  
22 name? Could I pull that out, that document? I may  
23 have notes on it.

24 Q. Suffolk County Exhibit 7, it is the  
25 only one dealing with the Taft, Louisiana chemical

1 tank explosion.

2 A. (Kelly) I may have written an  
3 extraneous note on another copy, though. Can I look  
4 for that one?

5 (Pause.)

6 A. (Kelly) I can't seem to find it right  
7 now. But when I called Mr. Ikey's--or Mr. Lucas'  
8 office, I spoke with an assistant, his assistant in  
9 that office. And she said that he wasn't there. I  
10 asked her if she knew anything about it and she  
11 said, "No, I didn't hear that any bus drivers  
12 refused."

13 She suggested I call Mr. Mahady, the  
14 transportation officer. I did so. He said, "No,  
15 none of my bus drivers refused to drive the buses."  
16 It was either later that day or the next day I  
17 called Mr. Lucas back and I asked him, "Mr. Lucas--"  
18 I explained who I was.

19 I said, "You recently underwent an  
20 interview by one of our people and in response to a  
21 question about bus drivers refusing to evacuate, you  
22 said two or three bus drivers refused to evacuate--"  
23 I mean, "refused to participate because they were  
24 frightened and so forth." And he says he has no  
25 recollection of saying that.

1                   So I said, "Well, there is something  
2                   about testimony, you found this out later, after the  
3                   fact." And he couldn't recall what, if anything, he  
4                   said about testimony. So I clarified.

5                   "So you are saying no bus drivers  
6                   refused to drive?" He said, "No bus drivers refused  
7                   to drive."

8                   I went and asked, I believe it was Pam  
9                   Emig in this case, what she knew about it. At this  
10                  point--it was some time later, I don't know how much  
11                  time, several weeks at any rate--and she just  
12                  maintained that she thought he said that and didn't  
13                  have any additional explanation for why that was  
14                  there.

15                  So the basis of my comment a few  
16                  moments ago was I called back, spoke to three  
17                  people, two emergency management officials and one  
18                  bus company official to see if there was refusal,  
19                  and they said "no."

20                  Q.     Let's look at question 18, on page six.  
21                  The question is, "Did any of these refusals occur  
22                  because bus drivers were concerned about the safety  
23                  of their family?" The answer is given, "Three out  
24                  of 20, 15 percent," and the notation is, "found out  
25                  in testimony later on." Correct.

1 A. (Kelly) Yes.

2 Q. That is the reference to testimony you  
3 are talking about?

4 A. (Kelly) That's correct.

5 Q. What testimony is being referred to  
6 there?

7 A. (Kelly) I don't know specifically from  
8 talking to these people. I do know that there were  
9 lawsuits over the--with Union Carbide, I believe was  
10 the company involved. I was assuming it may have  
11 had something to do with that, but I don't know for  
12 sure.

13 Q. Did you tell Mr. Lucas whether or not  
14 you were involved in those lawsuits.

15 A. (Kelly) I wasn't involved in that.

16 Q. Did you tell Mr. Lucas whether you were  
17 involved in those lawsuits.

18 A. (Kelly) I am not involved in those  
19 lawsuits.

20 Q. Did you tell him you weren't.

21 A. (Kelly) I didn't tell him anything  
22 about that. You just asked what testimony he was  
23 referring to. I told you what my opinion was of  
24 what that meant. I am not telling you that I  
25 discussed that with him. I did not discuss that

1 with him. I told him what was written down. I  
2 asked if he knew what it was in regard to. He said  
3 "no."

4 Q. Could he have believed your call had  
5 something to do with those lawsuits?

6 A. (Kelly) I don't believe so.

7 Q. Why?

8 A. (Kelly) For one thing, based on other  
9 knowledge I have, I think that case was settled some  
10 time ago, so I don't think there is any pending  
11 litigation. We told him who we were, and you can  
12 see the explanation that we gave to him. I can't  
13 tell you what he was thinking of, but I don't have  
14 any reason to believe he thought I was involved in  
15 that.

16 Q. You are saying that these were court  
17 cases that this testimony came out in about bus  
18 drivers not showing up. Is that right?

19 A. (Kelly) It says here, "found out in  
20 testimony later on." You asked me what testimony is  
21 that.

22 Q. What testimony was it?

23 A. (Kelly) I don't know from talking to  
24 them. I am only telling you what I know because of  
25 other reasons.

1 Q. So, apparently the fact that two or  
2 three bus drivers didn't report was stated by  
3 somebody in testimony, sworn testimony, according to  
4 this?

5 A. (Kelly) No. That is not what that--in  
6 answer to question 16, they said two to three  
7 drivers and they stated a reason why. Then, whoever  
8 said this to the interviewer said this--the way I  
9 interpret it was, "This fact was found out later on  
10 in testimony."

11 I guess that answers your question.

12 Q. This fact was stated by somebody in  
13 testimony. Right?

14 MR. CHRISTMAN: Objection. Asked and  
15 answered.

16 JUDGE GLEASON: Well, I believe he is  
17 trying to clear it up and it is unclear in my mind.  
18 Let him proceed.

19 A. (Kelly) It may have been. Again, all  
20 I can say it is, I called three people to find out  
21 if they knew about it and they denied--the one guy  
22 who apparently said this, denied he said this.

23 JUDGE GLEASON: I believe, Mr.  
24 McMurray, he is saying he doesn't know what the  
25 testimony means.

1 Q. Did you ever ask who gave the testimony  
2 at which it was stated that two or three bus drivers  
3 may not have reported?

4 A. (Kelly) No. Because the person who  
5 apparently said this, said he hadn't said it at all,  
6 so--

7 Q. Did you make any efforts to find out  
8 where that testimony might be?

9 MR. BACHMANN: Objection. Asked and  
10 answered many times, sir.

11 MR. McMURRAY: That has not been asked.

12 JUDGE GLEASON: No, it has not been  
13 asked.

14 A. (Kelly) The question is, did I attempt  
15 to find whatever testimony that might have been?

16 Q. That's right.

17 A. (Kelly) No, I did not.

18 Q. In light of this conflicting  
19 information, you chose to credit Mr. Lucas' second  
20 statement, rather than dig further as to whether or  
21 not there was actually role abandonment. Is that  
22 your testimony?

23 A. (Kelly) No, it is not. I chose to  
24 speak to Mr. Lucas, the transportation officer at  
25 the bus company, and Mr. Lucas' assistant.

1 Q. It is your testimony, then, that  
2 despite what is written on this survey and despite  
3 the fact that there might have been information in  
4 testimony, you chose to believe those people rather  
5 than dig any further. Correct? That is your  
6 testimony, isn't it, Mr. Kelly?

7 A. (Kelly) I chose to talk to the people  
8 who were initially involved in this and the person  
9 who apparently said that he didn't say it.

10 Q. Well, apparently he did say it first,  
11 right?

12 A. (Kelly) I think I have answered that.  
13 I don't know if he said it or not. When I asked him  
14 if he said it, obviously, he said no. That is what  
15 I have testified to.

16 Q. Pam Emig was the one who did this  
17 interview. Right?

18 A. (Kelly) That is correct.

19 Q. She did a number of these interviews,  
20 didn't she?

21 A. (Kelly) Yes, she did.

22 Q. Did you check to see how many others  
23 she may have gotten wrong?

24 A. (Kelly) What was that?

25 Q. Did you check to see how many others



1 she may have gotten wrong?

2 MR. CHRISTMAN: I object to the  
3 question. It is objectionable and offensive. If he  
4 wants to know how many questionnaires this person  
5 completed, that is okay.

6 JUDGE GLEASON: I don't understand why  
7 it is objectionable.

8 MR. CHRISTMAN: The statement in the  
9 question is how many others she may have gotten  
10 wrong. For one thing, it is compound. He really  
11 wants to know how many questionnaires this person  
12 completed.

13 MR. McMURRAY: No. That is not the  
14 question.

15 JUDGE GLEASON: I don't think that is  
16 the question.

17 MR. CHRISTMAN: The question is how  
18 many other questionnaires might have been gotten  
19 wrong.

20 JUDGE GLEASON: How many questionnaires  
21 might she have gotten wrong is the question.

22 It does assume certain things. That is  
23 why I asked what your objection was.

24 MR. CHRISTMAN: It assumes all sorts of  
25 things.

1 JUDGE GLEASON: You ought to make your  
2 objections clear, Mr. Christman, as to what your  
3 basis is. I can't read your mind.

4 A. (Kelly) The question is how many may  
5 she have gotten wrong?

6 Q. Yes.

7 A. (Kelly) Well, there is two ways I can  
8 answer that: I mean, obviously, any person can make  
9 any mistake on any of these forms. The process we  
10 used for checking this is, I looked, I reviewed  
11 every questionnaire shortly after they completed it.  
12 If there appeared to be anything, you know,  
13 confusing to me or out of the ordinary, then I would  
14 have followed up with questions and did so with many  
15 of these just to make sure I understood. In this  
16 particular case there was nothing to indicate to me,  
17 the day after, that there was anything wrong with  
18 that. It didn't bother me at that time.

19 When I was preparing testimony, at that  
20 point I needed additional information to prepare the  
21 testimony, about why they did, in fact, abandon  
22 their role or refuse to drive. So, I--

23 Q. Sorry. You said when you were  
24 preparing--when? For this cross-examination?

25 A. (Kelly) No. Preparing the testimony.

1 Q. After you determined that Ms. Emig had  
2 gotten this one wrong, did you do anything after  
3 that point to check all her work, to make sure she  
4 had gotten it right?

5 A. (Kelly) I didn't call back and  
6 reinterview all her people, no, I did not.

7 Q. What I hear you saying, Mr. Kelly, is  
8 that in two instances you made further inquiry to  
9 determine further what the nature of the appearance  
10 of role abandonment was, right?

11 A. (Kelly) Yes.

12 Q. In both those instances, the  
13 information that you were inquiring about was  
14 unfavorable to LILCO's case, right?

15 A. (Kelly) No, it was not.

16 Q. It showed instances of role  
17 abandonment, right?

18 A. (Kelly) Yes, but I thought I explained  
19 that earlier. When I first got this information, I  
20 saw, okay, role abandonment. It didn't bother me  
21 because LILCO's position is role abandonment can  
22 occur, it is just not an extensive problem. It is a  
23 possibility, not a probability. So the fact that a  
24 couple of bus drivers abandon their role wouldn't  
25 have a negative effect on LILCO's position.

1                   Later on, when I am preparing  
2 testimony, it was obvious that I needed to get  
3 information, additional information. So I called  
4 and found out not what I thought I was going to find  
5 out. I thought I was going to get more  
6 clarification as to why they refused to drive. What  
7 I found out was, she said there were no refusals.  
8 Had I found out other things, I would have reported  
9 that.

10                   Q.     The number of drivers, how many drivers  
11 were contacted in the Taft chemical explosion?

12                   A.     (Crocker) Three.

13                   Q.     Let's go down to the next bullet which  
14 says that "In all evacuations there are enough  
15 drivers to drive evacuation buses," and you mention  
16 a roster of evacuation bus drivers in Denver. Do  
17 you see that?

18                   A.     (Kelly) Yes.

19                   Q.     Have you made any inquiry to determine  
20 whether there is such a roster of local school bus  
21 drivers here in the local area who would drive in a  
22 radiological emergency at Shoreham?

23                   A.     (Kelly) Just based on what I have been  
24 hearing, I am not personally aware of any roster.

25                   JUDGE GLEASON: Is this a convenient

1 place for you to stop?

2 MR. McMURRAY: I have about five  
3 minutes more.

4 JUDGE GLEASON: Okay.

5 Q. It is also true, isn't it, Mr. Kelly,  
6 that in several instances the point was made in the  
7 survey, in the responses to the surveys, that  
8 certain bus drivers were called out specifically  
9 because they didn't live in the area of risk.  
10 Right?

11 A. (Kelly) Yes. I can recall off the top  
12 of my head at least one. In Marysville, at least  
13 one of the bus companies, I believe, called people  
14 from outside the impact area.

15 Q. Isn't it true it also happened in  
16 Pinellas County?

17 A. (Kelly) It could be. I do recall  
18 there was more than one. I just don't know which  
19 ones.

20 Q. Isn't it true it also happened at Taft.

21 A. (Kelly) It could very well be.

22 Q. You were just saying they didn't call  
23 the people specifically because they lived in the  
24 impact area?

25 A. (Kelly) I'm sorry. I am confused by

1 the last question and this question.

2 Q. You have now testified that specific  
3 bus drivers were not called because they lived in  
4 the impact area. Isn't that right?

5 A. (Crocker) Yes. I said I can recall,  
6 at least in the Marysville incident, at least one of  
7 the bus companies called people from outside the  
8 impact area. It is stated on the form. You  
9 mentioned two areas.

10 Q. I am talking about Taft right now,  
11 which is Suffolk County Exhibit 7. Is that the case  
12 where they were not called because they lived  
13 outside the area?

14 A. (Kelly) On question number--page  
15 seven, number 21, Mary Mahady said that bus drivers  
16 who lived outside the evacuation zone were  
17 contacted.

18 Q. So, in that specific accident, the bus  
19 drivers who were called were from outside the area.  
20 Right?

21 A. (Kelly) Apparently.

22 Q. Isn't it true also that in Pinellas  
23 County there was also an effort made to call drivers  
24 from outside the area.

25 A. (Kelly) Is this one of the exhibits

1 you had just given me?

2 Q. Yes. The Larry Newman, which is  
3 Suffolk County Bus Driver Exhibit 9 for  
4 identification.

5 Look at page 12, question 37.

6 "What percentage of these potential bus  
7 drivers had families in the area at risk during the  
8 emergency?"

9 "Answer: They were selectively  
10 contacted based on proximity to reporting station  
11 and low risk of family." Correct?

12 A. (Kelly) I see. Yes. That is what it  
13 says.

14 Q. You said also, that you recall it  
15 happened in Marysville that people were specifically  
16 called who were outside the impact area.

17 A. (Kelly) That is what I recollect. I  
18 would have to look at it, but I recollect that, yes.

19 MR. McMURRAY: I think, then, that this  
20 is a good place to stop, Judge Gleason.

21 JUDGE GLEASON: Fine. We will come  
22 back at 1:30.

23 (Whereupon, a luncheon recess was  
24 taken.)

25

\* \* \*

## A F T E R N O O N \_ \_ S E S S I O N

(1:35 p.m.)

1  
2  
3  
4  
5  
6 MR. CHRISTMAN: I have a preliminary  
7 matter, if you don't mind.

8 We served on the Board the testimony on  
9 hospital ETE's, rebuttal testimony. It goes to Dr.  
10 Harkin's testimony. With it, is a motion to file  
11 the testimony. All I suggest is that it would be  
12 nice to resolve that issue by the end of the week.  
13 I also offer that Dennis Sisk, the lawyer who will  
14 be handling that issue for us, will be here tomorrow  
15 and can explain or argue as you wish, on that  
16 motion.

17 JUDGE GLEASON: We we will take it up  
18 tomorrow, then.

19 Mr. McMurray?

20 MR. McMURRAY: Judge Gleason, just with  
21 respect to that, I appreciate if it could be held  
22 later in the day. Obviously, I am involved in this  
23 cross-examination. I am also involved in the  
24 hospital ETN issue. This is an extensive piece of  
25 testimony and I am not going to have a chance to



1 read it until tomorrow. So if we could do it  
2 towards the end of the day.

3 JUDGE GLEASON: We can even do it  
4 Friday.

5 MR. McMURRAY: Or the end of the day,  
6 as long as it is not first thing tomorrow morning.

7 MR. CHRISTMAN: We will have an  
8 assistant come out toward the end of the day  
9 tomorrow and everybody will be here.

10 MR. McMURRAY: The first thing I would  
11 like to do at this time, Judge Gleason, is move  
12 Suffolk County Bus Driver Exhibits 8, 9 and 10 into  
13 evidence.

14 JUDGE GLEASON: Is there objection?

15 (Pause.)

16 JUDGE GLEASON: Hearing none, the  
17 exhibits will be received in evidence.

18 (Suffolk County Bus Driver  
19 Exhibit Nos. 8, 9 and 10 were  
20 received in evidence.)

21 MR. McMURRAY: I have one other matter  
22 to clean up. If we can go to Exhibit No. 6, which  
23 is the Alice Colbert survey instrument.

24 Q. Mr. Kelly, let me refer you to page six  
25 of that. We already went over the answers to

1 questions 16 and 17. On the left-hand column, next  
2 to question 17 is some writing. Do you see that?

3 A. (Kelly) Yes, I do.

4 Q. That is not the writing that was put  
5 there by the interviewer. I don't know who that  
6 was. That is not the interviewer's handwriting,  
7 right?

8 A. (Kelly) No, that is my handwriting.

9 Q. That is handwriting you put there as a  
10 result of your follow-up call to Ms. Colbert?

11 A. (Kelly) That's correct.

12 JUDGE SHON: Mr. McMurray, before we  
13 leave that particular exhibit, I would like to clear  
14 up something that is on the page before that, page  
15 five. I understood the witness to say that the  
16 people that didn't show up, didn't show up because  
17 they were never called. The persons in charge knew  
18 that they lived where their families might be in  
19 danger and didn't call them.

20 The previous page has a barely legible  
21 note on it that says, "Drivers just showed up. Not  
22 formerly contacted." That is next to No. 13. On  
23 No. 15, it says, "As soon as the word was out that  
24 buses were needed, the drivers showed up," which  
25 suggests that, indeed, none of the drivers were

1 contacted at all. I don't know whether--you were  
2 making the point, Mr. McMurray, awhile ago, that  
3 these people either were or weren't contacted or  
4 something like that.

5 Mr. Kelly, could you clear that up?  
6 Was no one contacted? And if so, then what is  
7 special about the people who weren't contacted  
8 because they were known to live in a danger area?

9 WITNESS KELLY: Well, the reason I  
10 called there was that they said two or three people  
11 didn't show up.

12 JUDGE SHON: Yes, but it seems as if  
13 they didn't show up and everybody else did.

14 WITNESS KELLY: That is my handwritten  
15 note as well. I am just trying to recall the  
16 rationale for that.

17 (Witnesses confer.)

18 JUDGE SHON: I trust on question 15  
19 that is not your handwriting, is it?

20 WITNESS KELLY: No, that is not. What  
21 does that say?

22 JUDGE SHON: I can't read it exactly,  
23 but I think it says, "As soon as the word was out  
24 that buses were needed, drivers showed up."

25 MR. McMURRAY: Judge Shon, we do have

1 the originals of these.

2 JUDGE SHON: Do you? Could you look at  
3 it?

4 MR. McMURRAY: I don't, but counsel for  
5 LILCO does or Mr. Kelly does. One or the other.

6 WITNESS KELLY: Yes, (referring) it  
7 says, "As soon as word was out that--" I can't even  
8 read it here.

9 Oh. "That levee broke, drivers showed  
10 up."

11 What I think the comment--what the  
12 problem here is, some bus drivers may have been  
13 called and other bus drivers just showed up. Then I  
14 don't know why, on 16, this problem ever arose to  
15 begin with. I can't explain it beyond what I have  
16 already said.

17 JUDGE SHON: So, then, doesn't this  
18 sort of vitiate the notion that they didn't show up  
19 because they were never contacted? Apparently a lot  
20 of people did.

21 WITNESS KELLY: Are you saying why  
22 isn't this an issue--

23 JUDGE SHON: No. I say doesn't this  
24 rather--the word I used was vitiate or reduce the  
25 force of the notion that these people didn't show up

1 because they weren't contacted? It appears that  
2 many people did show up, because they weren't  
3 contacted and that the drivers whose families were  
4 in the danger area did not.

5 JUDGE GLEASON: Is the question clear  
6 to you, Mr. Kelly?

7 WITNESS KELLY: Yes. An explanation, I  
8 am trying to think of--all I can--

9 JUDGE GLEASON: You made reference in  
10 the testimony before somewhere that a lot of drivers  
11 showed up even though they weren't contacted.

12 JUDGE SHON: And you also said nobody  
13 refused to show up or nobody, in effect, failed to  
14 show up. But there were these three people who  
15 hadn't shown up and you said, "Well, that is because  
16 they weren't contacted."

17 WITNESS KELLY: Right.

18 JUDGE SHON: But an awful lot of other  
19 people did in the same situation.

20 WITNESS KELLY: But if they weren't  
21 contacted, they weren't ever required to. If they  
22 had problems at home but still weren't required, it  
23 can't be a role conflict. They were never required  
24 to perform this role.

25 JUDGE SHON: I see. I think that is

1 the only question I wanted to ask.

2 JUDGE GLEASON: Proceed, Mr. McMurray.

3 MR. McMURRAY: Thank you.

4 Q. Mr. Kelly, at lunch, did you happen to  
5 tally up the number of respondents who did not  
6 answer the question as to how many of the bus  
7 drivers or what percentage of the bus drivers'  
8 families were in danger?

9 A. (Kelly) I hadn't gotten to that. I  
10 only worked on the question about how many didn't  
11 know if they showed up late. That is the only one I  
12 got to do.

13 Q. Can we have that, please?

14 A. (Kelly) Yes. As I counted, in  
15 Pittsburgh--Pittsburgh, the company didn't know.  
16 They replied, "Unknown." In Miamisburg, one of two  
17 companies, as I counted, said, "I don't know" and  
18 the emergency manager didn't know. In Pinellas,  
19 none of the companies, but the emergency manager  
20 didn't know. He didn't know pretty much anything  
21 about the bus drivers.

22 Then in Miamisburg, the emergency  
23 manager replied he didn't know.

24 Q. I have Miamisburg being referred to  
25 twice.

1           A.     (Kelly) I'm sorry. Marysville. I  
2           can't read my writing.

3           Q.     Your last reference was to Marysville?

4           A.     (Kelly) That's correct.

5           Q.     How many of the respondents there  
6           didn't know?

7           A.     (Kelly) I believe it was just the  
8           emergency manager. And that was in answer to  
9           question number 22.

10          Q.     You haven't had an opportunity yet to  
11          tally up how many didn't answer the question as to  
12          how many had family in the risk area?

13          A.     (Kelly) No. I have not done that yet.

14          Q.     Would you do that at the next break?

15          A.     (Kelly) I will try to. If I have  
16          enough time I certainly will do it.

17          Q.     Let's stay on this survey just a  
18          second. How many of these surveys were accidents  
19          that involved the evacuation of schools?

20          A.     (Kelly) I believe five of the cases  
21          involved the evacuation of schools.

22          Q.     And in those cases where schools were  
23          evacuated, only a few buses were used. Isn't that  
24          correct?

25          A.     (Kelly) In one case there were 38

1 buses--I'm sorry. In one case, a total number of 64  
2 buses were used for the evacuation. In the next  
3 case, a total of 10 buses; a total of 25 buses in  
4 another case; total of 3 buses in another case; and  
5 total of 3 buses in the other case.

6 Q. . . me focus my question more clearly.  
7 With respect to those evacuations, I believe you  
8 gave a total number of buses used for everybody who  
9 had to be evacuated?

10 A. (Kelly) That's correct.

11 Q. Can you break that down? For those  
12 five emergencies, can you tell us how many buses--we  
13 can also say how many bus drivers--had to be used to  
14 evacuate school children?

15 A. (Kelly) I was just looking back at the  
16 questionnaire. I believe the questions we asked  
17 related to schools were how many schools needed to  
18 be evacuated by bus, and then how many school  
19 children needed to be evacuated by bus. Then there  
20 is a question that deals with total number of buses.  
21 I don't believe we have the number of buses used  
22 just for school children.

23 Q. One last question on the survey and  
24 then we will move on. In three of those  
25 evacuations, the information I have is that only two



1 schools were evacuated. In the other two--one other  
2 had four schools evacuated, another had five schools  
3 evacuated. Is that what your information is?

4 A. (Kelly) All but the last one. My  
5 notes that I prepared have seven, not five.  
6 Springfield, are you referring to?

7 Q. In Springfield, that was five schools  
8 and two colleges?

9 A. (Kelly) Okay. Yes. I had a total of  
10 seven. Correct.

11 Q. Is it your understanding that those  
12 schools had to be evacuated by bus or just that they  
13 were evacuated and we don't know how they were  
14 evacuated?

15 A. (Kelly) In Springfield?

16 Q. Yes.

17 A. (Kelly) In Springfield, at this point,  
18 all I can recollect is that they closed the high  
19 school and the students walked to the bus area that  
20 they would normally walk to and they were taken  
21 away. It was an evacuation. It was because of a  
22 gas leak or something of that nature, so I would you  
23 say it was an evacuation.

24 Is that what your question was? I'm  
25 sorry. I got lost in my answer.

1 Q. We are getting there.

2 There were two colleges involved. You  
3 don't know whether those were evacuated by bus or  
4 not?

5 A. (Kelly) I can't recollect.

6 Q. Let's move on.

7 Your other survey was one that involved  
8 individual bus drivers. Right?

9 A. (Kelly) That's correct.

10 Q. Did you conduct this second survey  
11 after the first one?

12 A. (Kelly) Yes.

13 Q. Approximately when did you conduct the  
14 second survey.

15 A. (Kelly) Same period. Late March to  
16 early April.

17 Q. Again, had this been planned as part of  
18 your overall project for LILCO?

19 A. (Kelly) Initially, what we were doing,  
20 as I recall, we were going to do an organizational  
21 study on those 19 and then, from that, get in touch  
22 with the bus drivers to the extent possible, only  
23 school bus drivers, only those involved in the  
24 evacuation of schools.

25 I think there were a certain number

1 that were done, and I can't recall how many actual  
2 school bus drivers we had success with, but it was  
3 maybe a half-dozen to a dozen, in that range. And  
4 at that point, we decided to try to interview any  
5 school bus drivers, as many as possible.

6 So, at that point we went and got in  
7 touch with every organization that we had previously  
8 talked to and asked them to give us a list of bus  
9 drivers who participated in that evacuation. And  
10 that is how we got to that point.

11 Q. I take it originally you had just tried  
12 to contact drivers from these five accidents or  
13 emergencies that we just discussed?

14 A. (Kelly) I believe that is correct.

15 Q. And you say you didn't have success  
16 except for half-dozen or so?

17 A. (Kelly) Yes.

18 Q. What did you mean by saying you didn't  
19 have success?

20 A. (Kelly) We couldn't get people to give  
21 us names. Privacy rules they had--there may be laws  
22 in certain states, but they just refused to give us  
23 the names of people who had been involved. In some  
24 cases, it was a matter of they didn't keep records.  
25 That comes to mind in Greenfield and one other

1 place, possibly Pinellas. And Nanticoke, the guy  
2 ran the company, he and his wife, and he didn't feel  
3 like going through records to see if he might be  
4 able to determine--a wide variety of problems. Just  
5 a matter of people not giving us the names of the  
6 bus drivers involved.

7 In some cases, they agreed to ask the  
8 bus drivers involved to call us collect and that met  
9 with limited, if any, success, as I recall. That  
10 was probably due to privacy as well.

11 Q. Are you now talking about your success  
12 in contacting all bus drivers in general or just  
13 school bus drivers?

14 A. (Kelly) Well, that is both, those  
15 reasons.

16 Q. For both?

17 A. (Kelly) For both.

18 Q. Let me backup then. I think what you  
19 are telling us is that you were only able to  
20 interview a very small proportion of the bus drivers  
21 who were purported to have driven in these  
22 emergencies. Right?

23 A. (Kelly) We could only get, as I said,  
24 the 6 to 12.

25 Q. The 6 to 12 who drove school buses.

1 Right?

2 A. (Kelly) That's correct.

3 Q. You eventually were able to reach 27  
4 bus drivers in all. Right?

5 A. (Kelly) That's correct.

6 Q. Again, that is only a very small  
7 proportion of those who are purported to have  
8 driven. Right?

9 A. (Kelly) Yes. Well, without adding it  
10 up, there were maybe 400 buses or 500 buses that had  
11 been involved in these evacuations.

12 Q. And after all your efforts, you were  
13 only able to interview 27 bus drivers. Right?

14 A. (Kelly) That's correct.

15 Q. You weren't able to interview bus  
16 drivers who participated in all 19 disasters.  
17 Right?

18 A. (Kelly) I believe that's correct.

19 Q. You were only able to interview--

20 A. (Kelly) 10.

21 Q. --drivers who participated in 10. Is  
22 that correct?

23 A. (Kelly) That's correct.

24 Q. For some of those you were only able to  
25 interview one bus driver who participated in that

1 disaster?

2 A. (Kelly) That's correct.

3 Q. Let's go to Attachment H.

4 Mr. Kelly, Attachment H is the  
5 interview schedule used for the interviews of the  
6 individual bus drivers. Is that correct?

7 A. (Kelly) That's correct.

8 Q. Was it prepared by Drs. Miletic and  
9 Lindell?

10 A. (Kelly) Yes. The same process applies  
11 here as to the last--the other survey.

12 Q. Did you delete or add any questions?

13 A. (Kelly) I don't believe I did, no.  
14 Not in this case.

15 Q. Did anyone not associated with LILCO or  
16 with Weston review the questionnaire?

17 A. (Kelly) Yes. In the test. We tested  
18 two bus company people--I tested also on that  
19 original civil defense person I mentioned. And then  
20 each of the interviewers tested it, practiced using  
21 it on someone that they knew, but I don't know who  
22 they were offhand.

23 Q. I guess what I am asking is did anyone  
24 review it for its scientific validity or for bias or  
25 anything like that?

1           A.     (Kelly) Our test was more for clarity  
2           and understanding and so forth.

3           Q.     I take it you are saying no one  
4           reviewed it for scientific validity?

5           A.     (Kelly) I was not involved with that.  
6           I don't know if Drs. Mileti or Lindell did that.

7           A.     (Mileti) I might just add, that it was  
8           just the two of us who constructed it.

9           Q.     You mentioned that you had trouble  
10          contacting these bus drivers. How did you  
11          eventually get the names of the 27 that you were  
12          able to call?

13          A.     (Kelly) In those cases--for instance,  
14          in Pinellas--is it Pinellas?

15                   In Marysville, at least one of the bus  
16          companies gave us some names. And in Springfield, a  
17          bus company gave us the names. We got these names  
18          from the bus companies we had initially interviewed.  
19          Beyond that--oh, another reason why, even when we  
20          had some names, some people had moved. I recall  
21          maybe it was Greenfield, one guy was a--moved on to  
22          become a police officer at U. Mass. and we couldn't  
23          contact him there. Just people moved on and they  
24          didn't have any forwarding addresses.

25                   So, we had more names than interviews,

1 but we just couldn't get in touch with them. But  
2 for the most part, the original reasons applied.  
3 Bus companies just wouldn't give us names.

4 Q. What you had asked for were the names  
5 of people who had driven in these various disasters.  
6 Right?

7 A. (Kelly) That's right.

8 Q. So, by definition, you would not have  
9 been given names of many people who refused to  
10 participate in the disasters. Right?

11 A. (Kelly) Well, in these cases there  
12 were none.

13 Q. Well, I think that is questionable,  
14 given what we have seen in your other data, but  
15 given your question, you would not have gotten names  
16 of anybody that didn't participate. Right?

17 A. (Kelly) Given the question and given  
18 the fact that in none of these cases people had  
19 refused.

20 Q. The question would not have elicited  
21 the names of anybody who didn't participate. Isn't  
22 that correct?

23 A. (Kelly) Yes.

24 Q. On the bottom of page 29, going over to  
25 page 30, you state there that no bus drivers refused



1 to drive buses during the evacuation and only two  
2 drivers reported doing something else before  
3 beginning their bus driver functions. Do you see  
4 that?

5 A. (Kelly) Yes, I do.

6 Q. Isn't it true, Mr. Kelly, that in a  
7 number of the responses you got, the bus drivers had  
8 actually evacuated with their families, but they  
9 were able to evacuate before being notified?

10 (Witnesses confer.)

11 A. (Kelly) Can you refer me to a question  
12 number?

13 Q. I am talking about--for instance, in  
14 two documents here, the first has, in the upper  
15 right-hand corner, the date "3/25/88," a 10-page  
16 document. It says, "Bus Driver Interview Schedule."  
17 The incident is Marysville levee break and flood.  
18 Interviewee's name is Jean Pratt. I would like this  
19 marked as Suffolk County Bus Driver Exhibit 11 for  
20 identification.

21 JUDGE GLEASON: The other?

22 MR. McMURRAY: The other is a similar  
23 interview schedule. In this case the interviewee's  
24 name is Rochelle Laird. I would like that marked  
25 Suffolk County Bus Driver Exhibit Number 12.

1 JUDGE GLEASON: The documents will be  
2 designated with those numbers.

3 (The document referred to was  
4 marked for identification as  
5 Suffolk County Bus Driver Exhibit  
6 Nos. 11 and 12 .)

7 Q. Look at Suffolk County Bus Driver  
8 Exhibit 11, Ms. Pratt's interview. On page 3 of the  
9 document she states that it was likely that her home  
10 would be threatened by the flood--that it was  
11 extremely likely her home would be threatened by the  
12 flood. Isn't that correct?

13 A. (Kelly) Yes.

14 Q. On page 4, in answer to question 11,  
15 the question asked, "What members of your household  
16 were at home when you received the activation  
17 message?"

18 And the answer is "None. Had already  
19 evacuated." Correct?

20 A. (Kelly) That's correct.

21 Q. That same type of response--that is,  
22 that the family had already evacuated--is given in  
23 other interview schedules. Correct?

24 A. (Kelly) It is possible. As I look at  
25 your Suffolk County No. 12, in answer to question 8,

1 they said one or more household members evacuated  
2 prior to receiving the activation message.

3 Q. And in that case, again the threat to  
4 the actual home was extremely likely, but it appears  
5 that there had been an evacuation of at least some  
6 household members. Correct?

7 A. (Kelly) Yes, it appears so.

8 Q. Prior to notification?

9 A. (Kelly) That's correct.

10 Q. Are you aware of any others where that  
11 response was given.

12 A. (Kelly) It may be, but I am not aware  
13 of any. I can't recall any others. There may be.

14 Q. That isn't something you tallied?

15 A. (Kelly) Looking at my tally, it says  
16 "two"--it had two cases one or more household  
17 members evacuated.

18 Q. Before or after the notification?

19 A. (Kelly) Well, it was in response to a  
20 question, "Prior to your receipt of activation  
21 message."

22 Q. Isn't it true that in other instances  
23 the respondents said that they prepared their  
24 households for evacuation prior to reporting?

25 A. (Kelly) Yes. Looking at my summary,

1 it says five prepared to evacuate.

2 Q. Prior to--

3 A. (Kelly) Prior to the activation  
4 message, yes.

5 Q. One of the disasters we are talking  
6 about here is Marysville. Is that right?

7 A. (Kelly) That's right.

8 Q. In Marysville, there was sufficient  
9 notice of the incident for the bus drivers to  
10 evacuate their families before being called. Isn't  
11 that right?

12 A. (Kelly) In the Marysville incident, as  
13 I recall, there had been heavy rains and some  
14 flooding in the area and then, as I also recall, a  
15 levee broke. You had a combination of flooding  
16 conditions which caused a sudden levee break. This  
17 Exhibition No. 12 shows, in answer to number five,  
18 there was no warning. "Were you aware there was an  
19 emergency prior to receiving your activation  
20 message?" They said, "No, no warning."

21 Q. Isn't it true, in response to  
22 Exhibit--in Exhibit 11, in response to question 1,  
23 it states there was three days warning or standing  
24 by?

25 A. (Kelly) That is No. 11?

1 Q. That's right.

2 A. (Kelly) I'm sorry. Which exhibit are  
3 you looking at?

4 Q. 11.

5 A. (Kelly) Question number?

6 Q. Question one.

7 A. (Kelly) Oh, I'm sorry.

8 They had been on alert for three days.  
9 I believe that is what they were talking about, due  
10 to the heavy rains and flooding. And then I believe  
11 what probably happened here is these people were on  
12 alert, maybe because the levee was about to break,  
13 and then it broke, if it is similar to the other  
14 case, and it is the same case. It does say, "three  
15 day warning standby."

16 Q. This is an example of a disaster where  
17 there was a fairly extended warning time. Right?

18 A. (Kelly) Depending on definition. I  
19 mean, with flooding, yes. There was an indication  
20 that there was flooding in the area. I don't  
21 believe there was all that much warning time for the  
22 levee break. I am not certain of that.

23 A. (Kelly) What I was trying to get  
24 across, there was the long term warning for the  
25 flooding, but not from the flash flood that resulted

1 from the levee break.

2 Q. Because of that warning time, many of  
3 the bus drivers were able either to evacuate their  
4 families or prepare to evacuate before being  
5 notified to respond to their emergency roles.  
6 Right?

7 A. (Kelly) You know, if they had several  
8 days' warning time, yes, they would have had time to  
9 prepare.

10 Q. It is true, isn't it, I think we just  
11 discussed it--a large number of these surveys,  
12 whether it is before or after the notification,  
13 there is a lot of indication about evacuation of  
14 family members. Right?

15 A. (Kelly) You are asking me to  
16 generalize across the whole thing. I am not sure I  
17 can do that right at the moment. Can you ask the  
18 question again for me so I am certain I understand?

19 Q. Yes.

20 in a large number of the surveys you  
21 did, isn't it true that there were responses given  
22 indicating that the bus drivers engaged either in  
23 evacuation of the family or preparation to evacuate?

24 A. (Lindell) Prior to what point?

25 Q. Either prior or after. I am just

1 talking right now about evacuation behavior.

2 A. (Kelly) I think I really would have to  
3 look at the data to give you the answer.

4 Q. Let me refresh your recollection.  
5 Isn't it true that in the Spark's survey, it  
6 indicated that the family was being prepared to  
7 evacuate.

8 A. (Kelly) What is the Spark's survey?

9 Q. It is not an exhibit. I am trying to  
10 refresh your recollection. I don't want to put all  
11 these into evidence.

12 A. (Kelly) What case was that?

13 Q. Marysville.

14 A. (Kelly) Okay. I have the Spark's  
15 form.

16 Q. Isn't it true that in the Spark's  
17 interview there is an indication that the family was  
18 prepared to evacuate prior to the notice to report  
19 for emergency duty?

20 A. (Kelly) In response to question eight,  
21 "Did you or the members of your household take any  
22 protective action prior to the receipt of your  
23 activation message," they said, "Yes, prepared to  
24 evacuate."

25 In response to question nine, "How much

1 time was there between when you first found out  
2 about the emergency and when you received your  
3 activation message," the answer was, "A few  
4 minutes."

5 Q. You don't know, though, whether they  
6 prepared to evacuate in that two-minute interval or  
7 whether they prepared to evacuate beforehand.  
8 Right?

9 A. (Kelly) Yes. I don't know. I don't  
10 think I can determine that from this data.

11 Q. Isn't it true that in the Marysville  
12 incident one of the respondents, Nyla Rascheim, gave  
13 the same sort of response, that family prepared to  
14 evacuate?

15 A. (Kelly) The same answers as the last  
16 one. Prepared to evacuate, five minutes between  
17 when she found out about the emergency and when it  
18 was activated. Of course, if they didn't know about  
19 the emergency I don't know why they would have  
20 prepared to evacuate, necessarily, prior to finding  
21 out about it.

22 Q. You are saying there was three days'  
23 warning?

24 A. (Kelly) I didn't say that.

25 Q. We established earlier there was three



1 days' warning time for the Marysville incident.

2 A. (Kelly) In this case--let's look at  
3 this one. They apparently had rain even more than  
4 three days long, possibly, to a week. And then they  
5 said they prepared to evacuate sometime between then  
6 and the incident. Yet when asked when you first  
7 found out about the emergency, and I only evacuate  
8 to emergencies, if I were to evacuate, they were  
9 five minutes. So I don't know how to answer your  
10 question.

11 Q. The emergency could mean the call to  
12 respond to the emergency role, couldn't it?

13 A. (Kelly) No. The question is when did  
14 you first find out about the emergency and when you  
15 received your activation message? That is five  
16 minutes. I think probably since it is only five  
17 minutes and they had had rain for a week, they were  
18 talking about the levee break.

19 A. (Lindell) The three days' warning that  
20 is cited in Suffolk County Exhibit 11, it says--it  
21 is in the context of the activation message. It  
22 says, "Who did you receive the incident (sic) from?"  
23 And it says, "Three days' warning." I would  
24 interpret that to mean there was three days' warning  
25 that they might be activated to take an emergency

1 role--that is, to drive a bus, but not necessarily  
2 that they had three days of warning that their home  
3 might be in an impact area.

4 Q. But we don't really know how to  
5 interpret it?

6 A. (Lindell) Exactly. That is what we  
7 are saying. We don't know how to interpret that.

8 Q. It could be a long warning time.

9 A. (Lindell) We are saying we don't know  
10 how to interpret that.

11 Q. This is another example where the  
12 information given is not clear, right, Mr. Kelly?

13 A. (Kelly) No. I think the information  
14 is very clear.

15 Q. Dr. Lindell just said he didn't know  
16 how to interpret it.

17 A. (Lindell) I don't see that there is a  
18 conflict there.

19 Q. That is fine.

20 In the next paragraph there is a  
21 discussion of family members--how many of the  
22 respondents had family members at home when they  
23 received the activation message. Do you see that,  
24 Mr. Kelly, on page 30? That is the first full  
25 paragraph.

1 A. (Kelly) 19 of the 27 respondents?

2 Q. Yes. You have that in front of you  
3 now?

4 A. (Kelly) Yes, I do.

5 Q. Then you go on to say--and some of this  
6 information has been corrected--10 of the 19  
7 answered question seven about whether they thought  
8 their household would be threatened by the hazardous  
9 agent. Do you see that?

10 A. (Kelly) Yes.

11 Q. Question seven is pertinent, right,  
12 because if the household, that is, the family  
13 members, were in the impact area that would be an  
14 important thing to know, right, for the purposes of  
15 this issue? Right, Mr. Kelly?

16 A. (Kelly) Yes. I am just looking at  
17 question seven again. Yes. It is how likely their  
18 home would be threatened.

19 Q. I think you just stated, isn't it a  
20 fact that question seven doesn't ask whether they  
21 thought their household would be threatened by the  
22 hazard agent, but whether their home would be  
23 threatened by the hazard agent?

24 A. (Kelly) That is what it says.

25 Q. Isn't it true there is a difference

1           between one's household and one's home? Wouldn't  
2           household include the family members of people in  
3           it?

4           A.       (Lindell) Yes, it does. The reason it  
5           was asked that way was because we wanted to make  
6           clear--this is a problem we have come up across in  
7           previous surveys, is that we wanted to make sure  
8           that the respondents knew that it was dangerous to  
9           be at that location and that if you asked the  
10          question would their family be at risk, then that  
11          creates an ambiguity in the respondent's mind as to  
12          whether they would be at risk assuming that they  
13          stayed there or assuming that they left. That is  
14          the reason the question was asked that way.

15          Q.       So the question was asked referring  
16          specifically to where the home is located, right,  
17          Dr. Lindell?

18          A.       (Lindell) That is correct.

19          Q.       The physical structure, right?

20          A.       (Lindell) That is the location.

21          Q.       And yet here in your testimony, Mr.  
22          Kelly, you are talking about whether the question  
23          asks whether the household would be threatened by  
24          the hazard agent. Do you see that?

25          A.       (Kelly) Yes. That is what it says.

1 Q. But isn't it true that at least Suffolk  
2 County Exhibits 11 and 12 show that at the same time  
3 the home may have been threatened, the households,  
4 the people in them were not because they had already  
5 been evacuated?

6 A. (Kelly) Yes. The people had been  
7 evacuated, apparently, from their home.

8 Q. So, therefore, the relevant question  
9 for whether or not the bus drivers thought their  
10 families were in danger was not whether their homes  
11 would be threatened at the time but whether their  
12 families, their households, would be threatened.  
13 Isn't that right?

14 (Pause.)

15 A. (Kelly) Can you ask me the question  
16 again?

17 Q. Question seven, we have established,  
18 talks about the preceding answer to the home.  
19 Correct?

20 A. (Kelly) Yes.

21 Q. Let me try to phrase the question this  
22 way, Mr. Kelly. In the middle of the paragraph we  
23 are looking at, it says, "Even with this perceived  
24 danger to their households, six of the seven  
25 proceeded immediately with their bus driver duties."

1 Do you see that?

2 A. (Kelly) That's correct.

3 Q. Okay. But question seven measured the  
4 dangers to their home, and we have established that  
5 in some cases the household members were out of  
6 those homes. Right?

7 A. (Kelly) That's correct.

8 JUDGE GLEASON: Mr. McMurray?

9 MR. McMURRAY: Yes, sir.

10 JUDGE GLEASON: Have you devised some  
11 way to expedite your cross-examination some way? We  
12 have been going about five hours on about  
13 five-and-a-half pages of testimony. That is very,  
14 very slow.

15 MR. McMURRAY: I understand that, Judge  
16 Gleason. I would like to say that there have been  
17 three or four or five pages of testimony dealing  
18 with these surveys. As is true in all cases, some  
19 pages are meatier than others. LILCO relies very  
20 much on these surveys for so-called empirical data  
21 to support their case. I am trying to explore  
22 whether that empirical date is valid. I am almost  
23 done with this last survey and I am very confident  
24 that the pages after that are going to move much  
25 more quickly. It is just the fact that some pages

1 have more information in them that needs to be  
2 explored than others.

3 I will move along quickly.

4 JUDGE GLEASON: Proceed.

5 Q. You mention that of this group, one  
6 driver took 20 minutes to evacuate her children  
7 before reporting to drive an evacuation bus. Is  
8 that correct, Mr. Kelly?

9 A. (Kelly) That's correct.

10 Q. Do you know how far away the high  
11 ground was for her to reach and take her family to?

12 A. (Kelly) I don't believe so, no.

13 Q. Since Marysville involved a flood, it  
14 was merely a case of taking the family to some area  
15 above the flood waters. Correct?

16 A. (Kelly) I don't know if I'd use the  
17 term "merely," but it would involve getting out of  
18 the impact area. Yes.

19 Q. Now, down at the--in the middle of the  
20 page you say, "With respect to the nine respondents  
21 who did not answer the question about perceived  
22 degree of danger to their household, we found the  
23 following: That two respondents said their families  
24 were closer to the impact area than they were--"that  
25 is question 10. "Nevertheless, both went directly

1 to the reporting location after being called."

2 Do you see that?

3 A. (Kelly) That is correct.

4 Q. That doesn't mean that their family was  
5 in or even near the impact area, does it?

6 A. (Kelly) It doesn't necessarily mean  
7 that. We may have to look to see where he was if we  
8 could determine that from the questionnaire. But it  
9 don't necessarily mean that.

10 Q. Also, two bus drivers said they were  
11 with their families in the impact area at the time  
12 they received the activation message. One driver  
13 made arrangements for his family to evacuate and  
14 then reported to work a few minutes later. The  
15 other respondent said he felt a great sense of  
16 personal responsibility to help his family by  
17 staying at home but instead gave instructions to his  
18 son to evacuate the family."

19 Do you see that?

20 A. (Kelly) Yes, I do.

21 Q. In both of those cases that dealt with  
22 the Hicksville accident, didn't it?

23 A. (Kelly) Yes. Both were in Hicksville.

24 Q. And in both those cases there happened  
25 to be a son over 18 years of age in the household to



1 help evacuate the family. Is that right?

2 A. (Kelly) Yes. It appears so.

3 Q. One last line of questions on this  
4 survey. Let's go to Attachment F for a second. I'm  
5 sorry. Which attachment has the results for bus  
6 driver survey?

7 A. (Kelly) "I."

8 Q. "I"?

9 A. (Kelly) Yes.

10 Q. Thank you.

11 Let's go to page 3 of Attachment I.  
12 Attachment I tabulates the answers to the various  
13 questions on the survey. Correct, Mr. Kelly?

14 A. (Kelly) Yes.

15 Q. And question 10 is one we have just  
16 been looking at, which says, "Where were you located  
17 at the time of the impact?" Do you see that?

18 A. (Kelly) Yes, I do.

19 Q. Isn't it true that only two were  
20 reported to be with family in the impact area? Is  
21 that right?

22 A. (Kelly) Two--yes. Two were with  
23 family in the impact area.

24 Q. And two with were family in the  
25 periphery?

1 A. (Kelly) That's correct.

2 Q. So only four were with family either in  
3 or near the impact area. Right?

4 A. (Kelly) Yes.

5 Q. That is a "yes"?

6 A. (Kelly) What was the question? I'm  
7 sorry.

8 Q. Only four were with their family in or  
9 near the impact area.

10 A. (Kelly) Yes. Yes.

11 Q. And with respect to--well, we know that  
12 11 were with the family outside the area. Right?

13 A. (Kelly) That's correct.

14 A. (Lindell) But that is not only in  
15 retrospect. What happens is that at the time of the  
16 emergency, if you look at question seven, it says,  
17 "As a result of the information you received prior  
18 to the activation," that is information that they  
19 had. That is their perception at the time of the  
20 emergency. And we have nine people that said either  
21 extremely likely, very likely or even odds of your  
22 home being threatened by the hazard agent.

23 We looked at this, we were a little  
24 confused by this when we looked at it. When you  
25 look down and see there are 11 people with a family

1 outside the impact area, if you look at the question  
2 you can see that allows them to express their  
3 knowledge of whether or not their home was  
4 ultimately affected. So there is a difference in  
5 time perspective there. That is the reason we  
6 believe there were nine people that believed  
7 themselves and their families to be at risk during  
8 the emergency, not just the four that are tabulated  
9 here under question 10.

10 Q. Dr. Lindell, we have established on  
11 question seven that the word used is "home," not  
12 "household." Correct?

13 A. (Lindell) Their location.

14 Q. The location of the home?

15 A. (Lindell) That's right.

16 Q. Not the location, necessarily, of the  
17 family, correct, at the time of the impact?

18 A. (Lindell) At the time of--at the time  
19 prior to the receipt of the activation message, that  
20 location--they believed that that location would be  
21 at risk.

22 Q. But we don't know where the family was,  
23 do we?

24 A. (Mileti) Yes.

25 Q. In some cases we know they were outside

1 the impact area?

2 A. (Mileti) We know where the family was  
3 because of question 11, "What members of your  
4 household were at home when you received the  
5 activation message?" If you combine the answer to  
6 question 11 with the answer to question seven, we  
7 can find out if the home was in the area of risk and  
8 then determine whether or not or what members of the  
9 family were there.

10 Q. Question 10 notes that 11 said they  
11 were with family outside the area. Right?

12 A. (Mileti) That, again, was at the time  
13 of impact, which could have occurred, theoretically,  
14 before, during or after they ever thought to drive a  
15 bus, got an activation message. That was when the  
16 actual event began impacting the community. The  
17 evacuation theoretically could have begun and ended  
18 prior to impact.

19 I am speaking theoretically because I  
20 don't recollect what--

21 Q. You don't know whether that is the case  
22 in any of these accidents, do you?

23 A. (Lindell) I think there is very  
24 reasonable grounds for believing that what we are  
25 saying is the case because we worked our way back

1 through these data. And what you see is that the  
2 family--when it says "with family outside the area,"  
3 then that allows them to inject their knowledge that  
4 even though they thought during the emergency that  
5 they were at risk, that in fact they wound up not  
6 being at risk. It is a point you made earlier, that  
7 people's perceptions are different from the  
8 objective risk. And in this case the objective risk  
9 is known with certainty after the fact. But it  
10 isn't known during the emergency. That is why we  
11 are making this point.

12 MR. McMURRAY: Judge Gleason, I think  
13 it is a good time to break.

14 JUDGE GLEASON: We will take a  
15 10-minute break.

16 (Brief recess.)

17 JUDGE GLEASON: Let's begin.

18 MR. McMURRAY: At this time I would  
19 move Exhibits 11 and 12 into evidence.

20 JUDGE GLEASON: Is there objection?

21 MR. ZAHNLEUTER: No objection.

22 JUDGE GLEASON: Hearing none, the  
23 exhibits will be moved into evidence.

24 (Suffolk County Bus Driver  
25 Exhibits 11 and 12 were received

1 in evidence.)

2 Q. On page 32 of your testimony, Mr.  
3 Kelly, you discuss a call you made to FEMA  
4 concerning a disaster response questionnaire.

5 A. (Kelly) Yes, I do.

6 Q. What are these disaster response  
7 questionnaires?

8 A. (Kelly) These are a form that is to be  
9 used by local officials to answer some basic  
10 questions about the emergency response. The local  
11 officials have the incentive of--well, in some cases  
12 a requirement to do it if they are receiving federal  
13 funds. And by filling out their form they are able  
14 to get out of doing some other work that FEMA would  
15 normally require.

16 The information covers a variety of  
17 topics about what was done during the emergency.

18 Q. You state that you phoned FEMA  
19 headquarters to find out whether the DRQ's showed  
20 role abandonment to be a significant problem in past  
21 emergencies. Is that right?

22 A. (Kelly) That's correct.

23 Q. Who did you talk to at FEMA  
24 headquarters?

25 A. (Kelly) I spoke with a Bruce

1 Hildebrand who is, I believe, in the Office of Civil  
2 Defense, and asked him--well, I asked him more about  
3 the questionnaire. They were in the process of  
4 automating those questionnaires. And he went  
5 through those questionnaires that he had already  
6 automated. There were no questions specific to role  
7 conflict. For instance, they don't say, "Was there  
8 role conflict or abandonment?"

9 The two questions that might have  
10 contained information about that were the last two  
11 questions, which were generally, "What problems did  
12 you encounter in the evacuation?"

13 So, he scanned through what had been  
14 computerized and did not come up with any  
15 information about bus drivers not performing their  
16 jobs or anyone not performing their jobs.

17 Subsequent to that phone call, I had  
18 spoken to him again and he said that they had lately  
19 been receiving a lot more and they hadn't been input  
20 into the computer yet. Myself and an associate of  
21 mine from the company went over there, spent some  
22 time going through them. My associate went through  
23 all 300. I went through the first 20 or 25 or so  
24 because of another commitment. She went through  
25 each of them and reported back to me that she had

1 found nothing in those questions where it might  
2 appear to be role abandonment.

3 Q. Can you tell me the earliest disaster  
4 reflected in the DRQ's?

5 A. (Kelly) I believe they started this in  
6 1986, so it would be from '86 on.

7 Q. This only reflects any emergency since  
8 1986?

9 A. (Kelly) That's correct.

10 Q. It wouldn't, for instance, reflect TMI?

11 A. (Kelly) No. TMI was in '79.

12 Q. How many emergencies were reflected in  
13 the DRQ's?

14 A. (Kelly) As I said, about 300.

15 Q. So each individual DRQ referred to a  
16 different emergency?

17 A. (Kelly) That's correct.

18 Q. You did say that there wasn't a  
19 specific question that inquired about role conflict  
20 or role abandonment. Right?

21 A. (Kelly) That's correct.

22 Q. On pages 33 and 34, Dr. Miletì,  
23 actually going over to 35, you discuss the TMI and  
24 you cite 11 or 12 articles, which I think you say on  
25 the surface appear to reveal role abandonment by



1 hospital workers. Would you turn to those pages,  
2 please?

3 A. (Mileti) Yes, I have all of them.

4 Q. I will turn my question specifically to  
5 page 35, if you can turn there.

6 After citing all these articles, you  
7 say that they in fact don't reveal role abandonment  
8 and your reasoning is that at no time during Three  
9 Mile Island was there a medical emergency.

10 Do you see that?

11 A. (Mileti) Yes, I do.

12 Q. Right in the middle of the page.

13 Now, I don't think we disagree, do we,  
14 that a lot of medical workers such as doctors,  
15 nurses, orderlies and stuff did leave the TMI area  
16 during the emergency. Is that right?

17 A. (Mileti) Yes. Many did. I would have  
18 to presume that some did to evacuate the area and I  
19 have to presume that some did to go to the  
20 conference that I reference here in San Francisco.

21 Q. You don't know how many went to the  
22 conference in San Francisco, do you?

23 A. (Mileti) No. But it was a major  
24 medical conference.

25 Q. In fact, are you aware of any data that

1 show how many medical personnel actually evacuated  
2 as opposed to going to the convention?

3 A. (Mileti) No, I have not. However, it  
4 is possible that it potentially could exist, but  
5 that would only be if one of the persons who did an  
6 evacuation study asked people their profession and  
7 where they might have lived, but I don't know that  
8 anyone did that.

9 Q. You have done some work at TMI, right,  
10 on the TMI accident?

11 A. (Mileti) Yes.

12 Q. But that is not data which you looked  
13 up?

14 A. (Mileti) No. I was gathering data on  
15 the incidence of post-disaster stress on the public.

16 Q. And that is also not data that you  
17 tried to get from other sources. Right?

18 A. (Mileti) No. I think it is safe to  
19 presume that many of them evacuated.

20 Q. I would like to address your conclusion  
21 that at no time during Three Mile Island was there a  
22 medical emergency. I take it that the basis for  
23 your statement is that, in fact, there were no  
24 physical injuries that you know of that occurred  
25 there. Is that right?

1           A.     (Mileti) That is my impression of what  
2 medical people have said about the event.

3           Q.     That is the basis for your saying there  
4 was no medical emergency. Is that correct?

5           A.     (Mileti) That's correct, yes.

6           Q.     You are aware, aren't you, that  
7 hospitals in the area reduced their populations at  
8 the time of the emergency?

9           A.     (Mileti) Yes. And I think some of  
10 them even prepared to evacuate, if not did evacuate  
11 the hospitals.

12          Q.     You are also aware, aren't you, that  
13 the Hershey Medical Center attempted to set up the  
14 Hershey sports arena to receive up to 5,000 people?  
15 Is that right?

16          A.     (Mileti) Yes. But as I recall, that  
17 was set up not in anticipation of potentially 5,000  
18 victims but, rather, as a place where people could  
19 spend the night. That is, as shelter for people who  
20 weren't at home.

21          Q.     Isn't it true that part of the reason  
22 for setting up that sports arena was to provide  
23 potential services, medical services, to people?

24          A.     (Mileti) I would have to say yes.  
25 And, in fact, they even prepared for potentially

1 decontaminating people who were exposed. But as an  
2 indication of how they thought that might have  
3 manifested itself in the emergency, I have to say  
4 that that aspect of preparedness was a rolled-up  
5 garden hose, so they couldn't have been expecting  
6 much.

7 Q. Or it could have been they weren't  
8 sophisticated enough, right?

9 A. (Mileti) I suspect that is true, but I  
10 think the Hershey Medical Center is a place that has  
11 good doctors in it.

12 Q. Have you discussed with any medical  
13 personnel at TMI whether they thought there was  
14 actually a medical emergency?

15 A. (Mileti) I have said I have not.

16 Q. I take it you are defining a medical  
17 emergency as not including any preparations that  
18 might be made to receive injured or to provide  
19 medical care prior to impact?

20 A. (Mileti) I am defining a medical  
21 emergency as one in which, in an emergency  
22 circumstance, the provision of medical attention was  
23 required.

24 Q. So you are not, in your definition,  
25 then, including the part of the emergency where

1 there might be anticipation of injuries?

2 A. (Mileti) I wouldn't think that that  
3 would be the anticipation of injuries as opposed to  
4 actually experiencing them. And as I recollect  
5 saying on this issue the last time we talked about  
6 it, that there is no information about whether or  
7 not medical personnel were on the periphery after  
8 having evacuated, for example, waiting to come and  
9 volunteer or do work if there were a medical  
10 emergency.

11 Q. You made a categorical statement that  
12 there was no role abandonment because the medical  
13 workers didn't know that they had emergency roles.  
14 Are you saying now that we don't have the  
15 information as to whether they knew they had  
16 emergency roles?

17 A. (Mileti) No. But it is unfair to say  
18 that somebody who was routinely away from work on  
19 the weekend--the hospitals went down routinely to a  
20 very small portion of their staff on the  
21 weekends--to then say they didn't volunteer to come  
22 to work because they should have anticipated that  
23 there possibly could have been a medical emergency.

24 Q. You stated earlier, didn't you, that if  
25 an emergency arose, say, at Shoreham--I think you

1 said that bus drivers, even if they hadn't been told  
2 they had a role would think that they did have one  
3 and go and report. Haven't you said that?

4 A. (Mileti) Absolutely. And the basis  
5 for that is there would have been an obvious need,  
6 given the normative overlap between what they do,  
7 the presumption that there was an evacuation going  
8 on, that they might have had the perception that  
9 they might be useful in the evacuation since they  
10 routinely drive buses. But that would be analogous  
11 at TMI were there an actual emergency medically.

12 Q. Are you saying that prior to an  
13 emergency no medical workers would think that there  
14 was work to be done to perhaps prepare for the  
15 eventuality of injuries?

16 A. (Mileti) I am sure that may have  
17 occurred to some people. But there wasn't a medical  
18 emergency so--

19 Q. There wasn't, we know in hindsight, but  
20 they didn't know at the time, did they, that there  
21 wasn't going to be a medical emergency?

22 A. (Mileti) I'd have to agree with you,  
23 particularly since there was such conflicting  
24 information at Three Mile Island.

25 Q. Let's talk about doctors and nurses. I

1 think you would agree with me that there is also  
2 some normative overlap there, that they also  
3 routinely respond to emergency situations. Isn't  
4 that right?

5 A. (Mileti) Well, I presume--most doctors  
6 do. I certainly know a couple that don't but--

7 Q. We are not talking about plastic  
8 surgeons. We are talking about the typical  
9 internist or something like that. Wouldn't they  
10 typically respond to emergencies?

11 A. (Mileti) Yes, I think so. One could  
12 presume emergency room work or medical work, what we  
13 might define as emergency work.

14 Q. Before we make the categorical  
15 statement that no medical workers thought they had  
16 emergency roles, wouldn't it be a good idea to ask  
17 the medical workers whether they did think they had  
18 emergency roles?

19 A. (Mileti) If we asked the medical  
20 workers to reflect back on some point in history and  
21 say what were your perceptions about whether or not  
22 you thought you had an emergency role, that would  
23 produce interview data on their perceptions. That  
24 is one--one certainly could do that.

25 Q. You don't know whether anybody has done

1 a survey like that to determine whether or not  
2 hospital workers did, in fact, believe they had  
3 emergency roles, do you?

4 A. (Mileti) I have to say no, but it is  
5 possible that that might exist in some of Peter  
6 Houts' data, but I don't think so.

7 Q. Did you look at Peter Houts' data for  
8 that kind of information before you made this  
9 statement?

10 A. (Mileti) No. I made the statement on  
11 the basis of the fact that there was no medical  
12 emergency. And wherever we find in history or in  
13 popular accounts or M.D.'s doing sociology--I have  
14 tried to get most of them to promise to not do  
15 sociology if I promise to not do medicine, but they  
16 keep doing it.

17 It is unfair to say someone abandoned a  
18 role if they didn't have a role they were  
19 abandoning.

20 Q. You don't even know whether any medical  
21 personnel at Three Mile Island agreed that there was  
22 not a medical emergency, do you?

23 A. (Mileti) I haven't done interview data  
24 on them. I would have to say, because I always do,  
25 it is possible that some of them did. I would also



1 have to say I don't know if they were at work in the  
2 EPZ or outside the EPZ, having evacuated, or at the  
3 conference in San Francisco. It is possible some of  
4 them may have thought that there was a medical  
5 emergency. In fact, there wasn't one.

6 Q. In fact, to a doctor, the reduction of  
7 hospital population because of a shortage of  
8 personnel and the setting up of a reception center,  
9 things like that could well mean to that doctor  
10 there is a medical emergency going on, couldn't it?

11 A. (Mileti) I suppose it is possible, but  
12 I have no information about, nor have I ever heard,  
13 having read the available data and reports at Three  
14 Mile Island, that where the shelter was set up,  
15 Hershey Medical Center, that it was understaffed.

16 Q. That is not my point.

17 A. (Mileti) It was a center that was set  
18 up.

19 Q. The bottom line is, you don't know  
20 whether your use of the term "medical emergency"  
21 comports with that term as used by doctors, do you?

22 A. (Mileti) I am not an M.D. My  
23 definition of a medical emergency would have been  
24 that the public needed to be attended to by doctors  
25 and nurses, whatever that involves.

1           A.     (Kelly) Mr. McMurray, I might--I have  
2 a point to contribute if you'd like to hear it.

3           Q.     You don't sponsor the testimony, but we  
4 will take you up on it.

5           A.     (Kelly) I have the opportunity to  
6 review a number of emergency plans for hospitals and  
7 most of those procedures have notification plans  
8 similar to--

9           Q.     Mr. Kelly, is this on TMI?

10          A.     (Kelly) No. On general practices in  
11 the hospitals.

12          Q.     Then let's not stray from this. Thank  
13 you.

14                 MR. CHRISTMAN: I object. I would like  
15 the witness to finish. This goes to medical  
16 emergency, obviously. That is what the question has  
17 been about, the last five questions have been about  
18 that.

19                 JUDGE GLEASON: He controls the course  
20 of cross-examination.

21                 MR. CHRISTMAN: He cut off my witness  
22 in mid-answer. He allowed the answer to go forward  
23 and then cut it off.

24                 JUDGE GLEASON: He didn't understand  
25 the area which it covered. Now it is clear he

1 doesn't want to hear the testimony. He is within  
2 his rights not to have the answer.

3 Q. Dr. Mileti, let's go down to the end of  
4 page 35. There you discuss a publication by the  
5 Pennsylvania National Guard. Correct?

6 A. (Mileti) Yes.

7 Q. I guess the bottom line of this excerpt  
8 is that there was some trouble mustering  
9 Pennsylvania National Guard personnel because they  
10 couldn't be contacted because some of them had  
11 already left. Is that the thrust of this excerpt?

12 A. (Mileti) Yes, that is indeed the  
13 thrust. They were called up by somebody and they  
14 had already evacuated.

15 Q. And--

16 A. (Mileti) Or they weren't at home. I  
17 shouldn't say they had evacuated. I presume most of  
18 them did.

19 Q. It is your point, isn't it, that that  
20 is not role abandonment because they weren't there  
21 to receive the notification and therefore they  
22 didn't know they had a role and, therefore, there  
23 was no abandonment of that role. Right?

24 A. (Mileti) In essence, yes. I think it  
25 would be unfair to call it role abandonment for them

1 to have not evacuated without knowing they were  
2 being called up. I think it points to the issue  
3 that the National Guard may want to consider early  
4 notification of potential personnel so that should  
5 they ever, themselves, evacuate an area because it  
6 seemed reasonable, that the people calling them up  
7 might be able to get in touch with them. But I  
8 don't think a person in the National Guard should be  
9 expected to be home at all times.

10 Q. Apparently it is not just they weren't  
11 home. It is that they had evacuated. Isn't that  
12 correct? It says here it was later learned many  
13 personnel had evacuated their families from the area  
14 before being notified of possible National Guard  
15 participation.

16 A. (Mileti) Yes. And again, I think they  
17 did that prior to knowing that they would be called  
18 upon to respond in an emergency.

19 Q. The National Guard often responds to  
20 emergencies. Isn't that correct?

21 A. (Mileti) Yes. They used to respond to  
22 almost all of them, and I think they are being used  
23 a little bit less. But in general, yes, they can be  
24 called up.

25 Q. Wouldn't it have been reasonable for

1 National Guardsmen in the vicinity of TMI to think  
2 that they might be mobilized at TMI?

3 A. (Mileti) I suppose it would have been  
4 reasonable for some of them to think that and it  
5 might not be reasonable for others of them to think  
6 that, depending upon if their training had given  
7 them any instructions along those lines and/or had  
8 they ever been mobilized in emergencies before. So,  
9 therefore, I think it might be for a seasoned salt  
10 to have that occur to them and it might not be  
11 reasonable for someone that didn't have experience  
12 or instructions along those lines.

13 Again, that would be inventing a role  
14 or anticipating a role rather than abandoning one.

15 Q. Nevertheless, though, we don't know  
16 that some of the people who evacuated with their  
17 families weren't, in fact, as you call them, the old  
18 salts who either would have had experience or  
19 training to let them infer that they did have a  
20 role. Right?

21 A. (Mileti) It is possible. But that  
22 would have been persons who we were now judging  
23 should have anticipated a role, which is different  
24 than behaving in response to having been called and  
25 then choosing to do something else.

1 Q. Well, you stated earlier that you think  
2 bus drivers ought to anticipate that they have a  
3 role?

4 A. (Mileti) Yes. And I have explained  
5 why.

6 Q. So that it is also reasonable to think  
7 that National Guardsmen should have thought that  
8 they had a role. Right?

9 A. (Mileti) And it wouldn't even end  
10 along that line of reasoning with National  
11 Guardsmen. We could say voluntary firemen should  
12 have anticipated that they could have had a role.  
13 Persons like myself, because I am single, could have  
14 anticipated that I might have had a role.

15 Q. Dr. Mileti, you don't consider yourself  
16 the same type of emergency worker as a National  
17 Guardsman, do you?

18 A. (Mileti) No. Emergency researcher  
19 and--

20 Q. You are not even an emergency worker.  
21 Right?

22 A. (Mileti) In the sense that I might not  
23 deliver emergency services.

24 Q. Let's stick with emergency workers,  
25 then.

1 I take it, then, that if bus drivers in  
2 the Shoreham area evacuated with their families  
3 before they were notified that they were needed,  
4 that you would not consider that an example of role  
5 abandonment?

6 A. (Mileti) Well, it depends on the  
7 circumstances. If someone called them up and they  
8 weren't home and they had evacuated and it were at  
9 10 o'clock at night, for example, and the schools  
10 were closed, I wouldn't consider that role  
11 abandonment.

12 Q. Let's stick with where they are being  
13 called to evacuate schools.

14 Now, would that be role abandonment?

15 A. (Mileti) I wouldn't define it as role  
16 abandonment if they didn't get notified that they  
17 were supposed to go. I think that would be unfair.

18 Q. But you have stated earlier that they  
19 should infer that they have roles, haven't you?

20 A. (Mileti) No. I said that it was my  
21 judgment that most of them would conclude that they  
22 had roles and that they would do that upon hearing  
23 that schools were being evacuated or that the area  
24 was being evacuated, and they had that day driven  
25 school children to the school. It would occur to

1           them that they might be needed.

2           Q.     Let's say, then, that they evacuated.  
3           Nevertheless, would you consider that an example of  
4           role abandonment or would you require actual  
5           notification for that to be called role abandonment?

6           A.     (Mileti) If I were doing a  
7           post-emergency audit and they didn't have that as an  
8           emergency job and they were not notified that they  
9           should drive the evacuation bus to the school and  
10          they were not trained, I wouldn't call it role  
11          abandonment.

12                    However, what I might label it versus  
13          what someone else might label it doesn't, in my  
14          judgment, change what I think that group of people  
15          would do, and you know what that is--which is think  
16          up the idea and go to the school.

17          Q.     But the medical personnel at TMI didn't  
18          think up the idea that they might be needed.

19          A.     (Mileti) But there wasn't a medical  
20          emergency.

21          Q.     By your definition. You don't know  
22          that by their definition there wasn't a medical  
23          emergency.

24          A.     (Mileti) It is true I haven't measured  
25          the perception of doctors, but I can't imagine how a



1 rational human being would conclude that doctors  
2 would have thought there was a medical emergency at  
3 TMI. I can't imagine how a bus driver wouldn't  
4 think that they might not be needed to evacuate  
5 school children in an area that the whole area was  
6 being evacuated and they drove those kids to school  
7 that morning. I don't think they are comparable  
8 events.

9 Q. Do you know at all whether or not a  
10 doctor would think that preparations need to be made  
11 before the actual impact of a disaster, that he  
12 might have to engage in before he could provide  
13 medical services?

14 A. (Mileti) I don't know. I'd have to  
15 say that some possibly could and some possibly  
16 couldn't and it would vary by, I would presume, the  
17 type of medical emergency.

18 Q. So, it could be that a doctor, knowing  
19 about the possibility of an emergency, would need to  
20 make preparations if he were going to respond  
21 appropriately. Correct?

22 A. (Mileti) I am really way outside what  
23 my area of expertise is. I have to say I would  
24 presume it is possible for a doctor to presume many  
25 things.

1 Q. Let's move on to the testimony about  
2 Chernobyl and go through this briefly.

3 Basically, Dr. Mileti, we can't draw  
4 any conclusions, solid conclusions about whether  
5 role abandonment did or did not occur at Chernobyl,  
6 can we?

7 A. (Mileti) Well, it depends on what you  
8 mean by "solid." The evidence that is available, I  
9 know, to me as a social scientist in this country is  
10 not what I would call hard evidence. It is rather  
11 accounts that have come out through the popular  
12 press and/or through the anecdotal accounts or  
13 stories published by researchers who might have been  
14 there that were physicists, et cetera.

15 Q. For instance, you cite an extract here  
16 from--actually, from The New York Times, but it  
17 cites Pravda as the source as saying 1,100 buses  
18 were marshaled to evacuate the area around  
19 Chernobyl. Do you see that?

20 A. (Mileti) Yes, I do. And that story  
21 was repeated again in The New York Times but Pravda  
22 was probably their source of information. I don't  
23 know.

24 Q. Do you consider Pravda, the Soviet  
25 Party newspaper, to be a reliable source for this

1 kind of information?

2 A. (Mileti) It is in fact the only source  
3 we have got. What we were attempting to do here is  
4 not present information that we would say was true  
5 beyond a shadow of a doubt but, rather, present the  
6 information that we had access to with appropriate  
7 caveats applied to it. Even if it were sound  
8 information, we still have the issue of that being  
9 the Soviet Union and a communist society and there  
10 are all kinds of reasons why that is a different  
11 kind of society than this one.

12 Q. On page 37, let's go to question 29.  
13 Is the point there that the bus drivers could have  
14 believed their families were in danger because  
15 people in Kiev were advised to keep their windows  
16 closed and to wash their fruits and vegetables, but  
17 nevertheless they went to drive, so that that is not  
18 an example--that is an example where they may have  
19 felt their families were in danger but they  
20 nevertheless drove?

21 A. (Mileti) The point there is just to  
22 suggest that there is some information available  
23 that the home town from which the published accounts  
24 claim the bus drivers came was not free of risk.

25 Q. The area that they evacuated was

1 Pripyat, which is close to Chernobyl. Right?

2 A. (Mileti) Yes.

3 Q. These bus drivers came from Kiev,  
4 right.

5 A. (Mileti) As reported in published  
6 account.

7 Q. Evacuation of Pripyat was around 36  
8 hours after the incident. Right? After it began?

9 A. (Mileti) Yes, as I recollect.

10 Q. Isn't it true that people in Kiev  
11 weren't told to keep their windows closed and wash  
12 their fruit and whatnot until many days after that?

13 A. (Mileti) I have to say I don't  
14 remember that.

15 Q. You don't know the timing, then, for  
16 when people in Kiev were advised about the danger?

17 A. (Lindell) No. What we are saying is  
18 we don't know the timing on which--within which they  
19 were advised to take those particular protective  
20 actions. It is our impression that the information  
21 got out fairly quickly. We don't remember exactly  
22 when the information got to the people in Kiev as to  
23 when--as to the fact that they were at risk.

24 Q. Let me try and crystallize that. You  
25 don't know whether the information about the threat

1 to Kiev came before or after the drivers were asked  
2 to drive the buses. Right?

3 A. (Mileti) Can I take a moment to see if  
4 I can find that out for you in my documents?

5 Q. How long do you think it would take?

6 A. (Mileti) I have everything in this  
7 document that I had reference to underlined so it  
8 might not take more than half a minute.

9 Q. Okay.

10 (Pause.)

11 A. (Mileti) Mr. McMurray, given the time  
12 line evidence I have in this document, it is so  
13 close I can't tell. I can't answer your question.  
14 It may be yes, it may be no.

15 Q. On pages 37 and going over to 38, you  
16 discuss some radiological emergencies. Do you see  
17 those?

18 A. (Mileti) Yes, I do.

19 Q. Did any of these involve the use of bus  
20 drivers to evacuate any members of the public?

21 A. (Mileti) To the best of my  
22 recollection, none of them involved bus drivers.  
23 One incident did involve getting ready to evacuate a  
24 town and mobilizing big transportation, things like  
25 buses. I don't know if they were buses--and getting

1 ready to do that. I don't know if there were bus  
2 drivers in them or if it would be appropriate to  
3 call them buses. I mean, you might want to call  
4 them truck drivers. But one incident did.

5 Q. Which incident was that?

6 A. (Mileti) That was the Windscale  
7 incident in England in 1957, in which the Constable  
8 of Cumberland, which is a town in that area, was  
9 notified and the reports that I have been able to  
10 read in regard to that claim that he quickly  
11 mobilized a motor pool to potentially evacuate  
12 people from the factory and construction workers on  
13 the site. And that is as close as it comes to me  
14 being able to find anything about bus drivers.

15 Q. Next paragraph down, you note an  
16 account in a book by John G. Fuller called "We  
17 Almost Lost Detroit," which discusses the Windscale  
18 plant. Apparently this is an account of a scientist  
19 who packed his wife and child off. You say, "For  
20 obvious reasons, we have reason to doubt even this  
21 report." I am not sure why you say "for obvious  
22 reasons."

23 A. (Mileti) That, by the way, is the same  
24 incident we just talked about. But in the book it  
25 says that this one scientist went home and got his

1 wife and kids and took off. But that is all it says  
2 about that one scientist. It doesn't say whether or  
3 not he had any sort of emergency role to fulfill, et  
4 cetera. So, it is hard to judge whether or not that  
5 was role abandonment because one doesn't know if he  
6 had an emergency role to fulfill. But it does say  
7 that one person did that.

8 Q. On page 39 of your testimony you  
9 mention three radiological--three peace time  
10 radiological emergencies, Three Mile Island, Ginna  
11 and Chernobyl.

12 At Ginna there was no evacuation of the  
13 general public, was there?

14 A. (Mileti) No. But there was an  
15 off-site release.

16 Q. But no evacuation of the general  
17 public?

18 A. (Mileti) No.

19 Q. And there were no bus drivers involved,  
20 right?

21 A. (Mileti) There was no evacuation.

22 I am not, by the way, presenting any of  
23 this in reference specifically to bus drivers but  
24 just in an attempt to review the scraps of  
25 information that do exist for evidence of role

1 abandonment of any sort, not just in terms of bus  
2 drivers. Certainly, if there were in the accounts  
3 evidence of bus drivers, I would have put it in the  
4 testimony. A lot of my sources were even anti-nuke  
5 books.

6 MR. McMURRAY: Judge Gleason, at this  
7 time I would like the opportunity to review my notes  
8 and I think maybe, maybe prematurely, take a break  
9 because I think I am within a half hour or so of  
10 being done and I think I can condense it pretty  
11 quickly.

12 JUDGE GLEASON: We will take a  
13 10-minute break.

14 (Brief recess.)

15 JUDGE GLEASON: All right, Mr.  
16 McMurray.

17 MR. McMURRAY: Judge Gleason, before we  
18 start with the panel, without having conferred with  
19 Mr. Miller, I suggested that we argue the LILCO  
20 motion to submit supplemental testimony tomorrow  
21 afternoon. I would like to defer it until Friday  
22 morning for the following reason. Tomorrow--I am  
23 going to be done with these folks today. Tomorrow  
24 Mr. Crocker is up and we expect that we are going to  
25 need all day with Mr. Crocker. In light of that, we



1 don't want to take up what could be a lengthy amount  
2 of time arguing this motion because Mr. Crocker is  
3 only free tomorrow and he is not going to be here on  
4 Friday. So we need tomorrow to be able to wrap up  
5 with Mr. Crocker.

6 I would like to propose that we argue  
7 the matter first thing Friday morning and then the  
8 Board would still be able to hear it, hopefully,  
9 maybe after all the proceedings on Friday, which I  
10 would guess consist mostly of cross-examination of  
11 the other parties and redirect.

12 JUDGE GLEASON: I see a frown on your  
13 face and I don't hear anything.

14 MR. CHRISTMAN: The cross of Mr.  
15 Crocker by other parties and redirect will have to  
16 take place tomorrow in any event because he will be  
17 gone Friday. I think all that is left for Friday  
18 morning is to argue this motion and to have  
19 follow-up and redirect on these three witnesses.

20 MR. McMURRAY: I guess that is all the  
21 more reason, if we have to do cross by the other  
22 parties of Mr. Crocker tomorrow and redirect of Mr.  
23 Crocker, that is all the more reason why we need all  
24 the time tomorrow for our cross and it can't be  
25 taken up by this argument. I don't think--

1 JUDGE GLEASON: I guess I am trying to  
2 figure out why it should take you all day tomorrow  
3 to finish with Mr. Crocker?

4 MR. McMURRAY: Mr. Miller informs me  
5 that that is how long it is going to take. Given  
6 the fact that there is going to be cross by other  
7 parties and redirect, perhaps, by LILCO, that seems  
8 to be a pretty full day.

9 JUDGE GLEASON: Let's go on and see how  
10 it goes. I don't want to rule on anything now.  
11 Let's move along and see where we are by noon  
12 tomorrow somewhere.

13 BY MR. McMURRAY:

14 Q. Dr. Mileti, on pages 40 and 41, you  
15 describe a study you did which included interviews  
16 with families regarding certain earthquake  
17 prediction scenarios. Do you see that?

18 A. (Mileti) Yes.

19 Q. And at the top of page 41 you state  
20 that "Our study concluded that a scientifically  
21 credible earthquake prediction would result in large  
22 social and economic costs." Do you see that?

23 A. (Mileti) Yes, I do.

24 Q. Can you explain what you mean by "large  
25 social and economic costs"? I guess specifically,

1 what behavior are you referring to there?

2 A. (Mileti) There were many. But, for  
3 example, that society in the area for which the  
4 earthquake was predicted would begin to absorb the  
5 costs of the earthquake that was anticipated prior  
6 to its occurring. For example, a slight and then  
7 increasing outflux of population, a decrease in the  
8 sale of durable goods, a decrease in taxes.

9 I am pausing because it has been a long  
10 time since I have done the study. But all the other  
11 kinds of associated socio-economic impacts that  
12 could be associated with anticipating a disaster.

13 Q. Now, further down in that paragraph you  
14 say that Professor Turner, in studying the actual  
15 response to an earthquake prediction in Los Angeles  
16 County, found that people of Los Angeles County  
17 showed few of the perverse effects that are often  
18 given as reasons for withholding a soundly based but  
19 uncertain earthquake forecast.

20 Do you see that?

21 A. (Mileti) Yes.

22 Q. Do you know what he was referring to  
23 when he spoke about perverse effects?

24 A. (Mileti) I have to say I don't know.

25 Q. Do you know whether he was referring to

1 the same factors that you were referring to when you  
2 spoke of large social and economic costs?

3 A. (Mileti) I'd have to say I don't know.  
4 However, I have had enough conversations and been at  
5 enough conversations with Ralph to know that our  
6 study projected social disruption from an earthquake  
7 prediction and his study did not detect social  
8 disruption.

9 Our study looked at and tried to  
10 appraise changes in government, changes in  
11 corporations in the private sector, as well as  
12 changes in family life. As I recollect, his study  
13 focused more on family life. But the bottom line  
14 was, even though we may have been, and I am sure did  
15 look at different things, and some things that were  
16 similar, that he found none of the negative things  
17 we portrayed, and we projected that there would be  
18 some.

19 Q. But you don't know that he was looking  
20 for the same things that you were looking for?

21 A. (Mileti) But he reached the general  
22 conclusion that there were none and we reached the  
23 general conclusion that there would be some. I  
24 just--

25 Q. I am not sure you are comparing the

1 same thing when you talk about what he was looking  
2 for and what you were looking for.

3 A. (Mileti) Changes in society. Included  
4 in our study were changes that would occur to  
5 individuals. Included in his study were changes  
6 that would occur to individuals and families. We  
7 projected negative impacts. Observed none. He  
8 observed a lot of media attention every time new  
9 information about the earthquake prediction was  
10 given out in southern California and would detect  
11 that it would fall off eventually and then go back  
12 up when new stories were released and then fall off.  
13 but that no social dislocations or impacts occurred.

14 So, it indeed may be the case that he  
15 had different questions on his questionnaire than we  
16 had. But we were studying the same phenomena. It  
17 wasn't a social experiment in which we used the same  
18 instrument.

19 Q. Let's go to page 43. Here you give  
20 alternative explanations for the data in Professor  
21 Cole's bus driver survey. Isn't that right?

22 A. (Mileti) Yes. I do, with Dr. Lindell?

23 Q. That's right. Let me direct this,  
24 though, to you, Dr. Mileti. Professor Cole's bus  
25 driver survey was conducted in 1982. Isn't that

1 correct?

2 A. (Mileti) As I recollect, I think  
3 that's true.

4 Q. You say that one alternative is that  
5 the survey questions are assessing the bus driver's  
6 attitudes toward the utility company. Do you have  
7 any data on what the attitude of the public was  
8 towards LILCO in 1982?

9 A. (Mileti) No data in the sense that I  
10 did a poll. Data in the sense that I was aware  
11 that, from published accounts, that it seems like in  
12 general the public on Long Island liked LILCO. But  
13 I didn't have it quantified. And even then it  
14 seemed like the public on Long Island was against  
15 Shoreham.

16 I would consider these hearings and how  
17 long they have gone on, in that sense, even data.

18 Q. These hearings, though, didn't begin  
19 until very late 1983. Are you certain that you  
20 are--strike that.

21 A. (Mileti) Was that a question?

22 Q. No. I am taking the statement that  
23 these proceedings didn't begin until very late 1983.  
24 Isn't it true that there was no measure of the  
25 public's opposition to LILCO or to Shoreham until

1 after this bus driver survey was conducted?

2 A. (Mileti) I don't know of any polls  
3 that were taken on Long Island, but I do remember  
4 writing testimony even about role conflict in 1982.  
5 Now, maybe it wasn't called testimony. Maybe it was  
6 called response to interrogatories or some other  
7 kind of way of labeling. But it was definitely  
8 words about role conflict and other issues in '82.  
9 But you are right, the hearings didn't begin until  
10 '83.

11 Q. On page 45 you discuss question 26 of  
12 Professor Cole's new firemen survey. Do you see  
13 that?

14 A. (Mileti) Yes.

15 Q. Isn't it true that Professor Cole draws  
16 his conclusions about what firemen would do in an  
17 emergency from questions that are stated before  
18 question 26?

19 A. (Mileti) It may well be. I didn't  
20 have time. I have to--I didn't have time to do a  
21 detailed review or critique of his poll. In fact, I  
22 don't enjoy critiquing Steven's poles. I am glad I  
23 didn't have time. So that may well be. This was  
24 just looking at it in a few hours and chatting with  
25 Mary Jo Leugers, in fact, over the phone when I got

1 done about anything that might come to mind in a  
2 quick reading.

3 MR. McMURRAY: Judge Gleason, at this  
4 time I have no further questions for this panel with  
5 one qualification. I would like to take a look at  
6 the article that Dr. Mileti was reviewing. I think  
7 it was regarding Chernobyl and, if necessary,  
8 tomorrow come back with one or two questions. There  
9 may be absolutely no reason to do that. I just want  
10 to look at what he was looking at to make sure that  
11 he reported the data correctly, and I am sure he  
12 did.

13 JUDGE GLEASON: Do you have any  
14 objection to that?

15 MR. CHRISTMAN: Why don't we just put  
16 the article into the record right now? Tomorrow  
17 morning we will make copies.

18 MR. McMURRAY: I would still like to  
19 look at it.

20 JUDGE GLEASON: I understand. I just  
21 asked if he has any objections.

22 MR. CHRISTMAN: No.

23 MR. McMURRAY: The other thing is,  
24 obviously we can't close this because Mr. Crocker is  
25 not here. There are a couple of questions on one



1 page, I think it is page 25--I am not sure--that Mr.  
2 Crocker sponsors that I would like to start with  
3 tomorrow. That should take only a few minutes and  
4 then Mr. Miller will continue. But I have no  
5 further questions with those qualifications for this  
6 panel.

7 JUDGE GLEASON: Are these gentlemen's  
8 presence going to be required with respect to Mr.  
9 Crocker's cross-examination?

10 MR. McMURRAY: I guess only if LILCO  
11 wants them here. Of course, there is  
12 cross-examination by the other parties that has to  
13 be done, and redirect.

14 JUDGE GLEASON: All right. We will  
15 stand in recess until tomorrow at 9 o'clock.

16 (Time noted: 4:00 p.m.)  
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CERTIFICATE

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This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name: LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)

Docket Number: 50-322-OL-3

Place: Washington, D.C.

Date: May 18, 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 stenographically by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

151 Debra Stevens

(Signature typed): Debra Stevens

Official Reporter

Heritage Reporting Corporation