

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PHILADELPHIA ELECTRIC COMPANY
(LIMERICK GENERATING STATION)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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:
In the Matter of: :
:Docket Nos. 50-352-OL
PHILADELPHIA ELECTRIC COMPANY : 50-353-OL
:
(Limerick Generating Station, :
Units 1 & 2.) :
-----X

Old Customs Courtroom
Room 300
2nd & Chestnut
Philadelphia, Pennsylvania

Monday, July 15, 1985

The hearing in the above-entitled matter convened,
pursuant to recess, at 1:30 p.m.

BEFORE:

HELEN F. HOYT, ESQ., Chairperson
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D. C. 20555

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

JERRY HARBOUR, Member
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, C. C. 20555

1 APPEARANCES:

2 (As heretofore noted.)

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C O N T E N T S

BOARD

WITNESSESDIRECTCROSSREDIRECTRECROSSEXAM

Charles Zimmerman

By Mr. Otto 20,760

By Mr. Love 20,765

By Mr. Hassell 20,837

By Mr. Conner 20,844

By Mr. Otto 20,845

By Judge Cole 20,849

By Judge Harbour 20,851

By Mr. Otto 20,852

Donald F. Taylor

By Ms. Ferkin 20,854

By Mr. Conner 20,857

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By Mr. Hassell 20,868

By Ms. Ferkin 20,870

By Mr. Conner 20,872

By Mr. Love 20,873

By Judge Cole 20,877

By Judge Harbour 20,878

LAY-IN DOCUMENTSFOLLOWS PAGE

Testimony of Charles H. Zimmerman

together with described attachments 20,763

Testimony of Donald F. Taylor

on Graterford Inmates Regarding

Training of Civilian Response

Personnel 20,856

E X H I B I T SEXHIBIT NO.IDENTIFIEDRECEIVED

Graterford Inmates No. 2 20,785

" " " 3 20,786

Applicant's Exhibit No. 20,797

Graterford Inmates No. 4 20,826

" " " 5 20,848

P R O C E E D I N G S

(1:30 p.m.)

JUDGE HOYT: Very well. It's exactly 1:30. The hearing will come to order. The Board begins today its formal hearing into the contention and the two bases of the contention admitted for litigation by this Board in its Order of June 12, 1985.

That already admitted a contention of the Inmates of the State Correctional Institution at Graterford and has admitted the contention, and the bases reads as follows: "There is no..." correction. Let me state that this is the text of the contention.

"There is no reasonable assurance that the radiological emergency response plans for the State Correctional Institute at Graterford will protect the inmates at said institution in the event of a nuclear emergency at the Lime-rick Generation Station.

"Basis C - Training. There is no reasonable assurance that emergency response training will be offered to civilian personnel who will be involved in the emergency response plans, such as civilian bus and ambulance drivers.

"The inmates contend that emergency response training be offered to civilian personnel who will be assisting the Bureau of Corrections, the state police, and the National Guard in the appropriate response to an accident at

#2-SueWalsh

Limerick Generating Station. Pursuant to further discussions, held during the closed conference in Harrisburg, the Commonwealth of Pennsylvania has attempted to address the inmates' concern by the offering of said emergency response training to civilian bus drivers. The method by which the Commonwealth has suggested to achieve this purpose is a letter to all bus providers which is attached to the Commonwealth's 'Answer of the Commonwealth of Pennsylvania to Proposed Contentions of the Graterford Inmates with Regard to the Evacuation Plan,' dated April 4, 1985 as Exhibit B. This letter, addressed to the employers of the bus drivers, offers a two hour course explaining the proper use of dosimetry by the Pennsylvania Emergency Management Agency. The inmates find this letter inadequate in several respects. Initially, there is no guarantee that the employees will ever receive any notice of the opportunity to avail themselves of this training program. Furthermore, the training envisioned by the inmates was a broader, more comprehensive program, such as the training offered to the school bus drivers. See the Third Partial Initial Decision on Offsite Emergency Planning by the Licensing Board, Section 333, Page 155, which reads, 'The training program for bus drivers offers a general orientation and overview of radiation principles, emergency management principles, susceptibility of children to radiation and additional background information.' The inmates contend

#1- SueWalsh 1 that the two hour course offered by PEMA is not as comprehen-
2 sive as the one offered to the bus drivers of school children
3 and is therefore inadequate in this respect.

4 "Basis E - Estimated Time of Evacuation. There
5 is no reasonable assurance that the estimated time of evacua-
6 tion of six to ten hours can be achieved.

7 "Appendix 4 of NUREG-0654 provides details regard-
8 ing evacuation time estimates within the plume exposure
9 pathway. II.C. Special Facility Populations states, 'An
10 estimate for this special population group shall usually be
11 done on an institution by institution basis. The means of
12 transportation are also highly individualized and shall be
13 described.' Section IV.B. of Appendix 4 entitled Methodology
14 states, 'The method for computing total evacuation time shall
15 be specified. Two approaches are acceptable. The simplest
16 approach is to assume that events are sequential. That is
17 to say, for example, that no one begins to move until all
18 persons are warned and prepared to leave before anyone starts
19 moving. The time is estimated by simply adding the maximum
20 time for each component. This approach tends to overestimate
21 the evacuation time. The second approach, which is more
22 complex and will be discussed further, is to combine the
23 distribution functions for the various evacuation time
24 components. This second approach may result in reduced time
25 estimates due to a more realistic assumption.' The inmates

#1 - SueWalsh 1 contend that the failure to specifically address this
2 estimated time of evacuation in the plan and the mere mention
3 in a footnote of the Applicant's request for an exemption
4 fails to meet the criteria as suggested by Appendix 4. The
5 inmates are concerned that the six to ten hour estimate does
6 not include a breakdown of the various sequential events as
7 prescribed in NUREG-0654, Appendix 4.IV.B. necessary to
8 accomplish the task. The inmates contend that such a break-
9 down is necessary."

10 Let me emphasize again to the parties and to those
11 in attendance at this hearing, these are the issues that
12 will be litigated and are the only issues that will be liti-
13 gated in this hearing.

14 On June 17th, 1985 the Board began its prepara-
15 tions for these hearings that begin today by conducting a
16 telephone conference call with the parties to determine a
17 schedule for this hearing which would be fair to the parties
18 at interest. A verbatim transcript of this call has been
19 made a part of the public record and is available in the
20 public record if anyone wishes to view it.

21 The parties in the conference call agreed to the
22 following: One, discovery was to begin immediately and was
23 arranged for among the parties. Two, the Board ordered all
24 prefiled testimony to be filed with the parties by July 8th,
25 1985.

#1 SueWalsh 1

2 Let me stray from that for a moment to explain the
3 use of the term prefiled testimony. In lieu of calling a
4 witness and having the witness testify on the direct, the
5 rules of this Commission is -- and indeed in many other
6 administrative bodies, as well as some Article 3 courts --
7 to permit prefiled testimony. And when the witness takes the
8 stand, they are then cross-examined by the opposing parties.

9 Continuing to what was agreed to in the conference
10 call, I did go ahead to explain the prefiled testimony and
11 that simply means that the direct testimony of a witness is
12 given to the Board and opposing counsel and the witness is
13 made available at the hearing for cross-examination, which
14 counsel has prepared for in advance of the hearing.

15 It is a usual procedure, I would like to emphasize,
16 and it's done to shorten the hearing time while affording
17 counsel full cross-examination rights.

18 The sponsoring party of the witness is, of course,
19 permitted a redirect examination based upon those matters
20 raised on cross-examination. There will be, therefore, no
21 oral direct testimony heard here today or indeed we do not
22 anticipate any oral direct testimony at this hearing.

23 The third point discussed in the conference call
24 which was ordered, that the parties should be prepared for
25 oral arguments instead of post-hearing written briefs
customarily used, sometimes used in addition to oral arguments

#1-6-SueWalsh

or in lieu of oral arguments.

In order to permit counsel ample time to prepare their oral presentation, the Board has instructed the parties that an appropriate period of time at the conclusion of the testimony will be permitted for their review and/or preparation. This period of time will not, however, exceed twenty-four hours.

In a letter to the members of this Board served on the parties by the NRC staff, we were advised on July 2, 1985 that the parties on July 1, 1985 had established the following order of witnesses for this hearing. And the Board finds this an acceptable order of witnesses. Mr. Zimmerman of the State Correctional Institution at Graterford, for the Commonwealth of Pennsylvania; Mr. Donald F. Taylor, also for the Commonwealth of Pennsylvania; Mr. John D. Case, for the Graterford Inmates; Mr. Edward Lieberman -- and I spell the name, L-i-e-b-e-r-m-a-n -- of the Federal Emergency Management Agency; Dr. Thomas Urbanik, U-r-b-a-n-i-k, for the NRC staff; Mr. James Asher and Mr. Kanad for the Federal Emergency Management Agency will be the last witness.

The only witness not filing prefiled testimony in this group of witnesses has been the NRC staff witness, and this request was by the staff to not file pre-testimony for their witness. And it was agreed to by the Board, since the witness could not be expected to give an expert opinion

#1 SueWalsh 1 on the evacuation time estimate testimony until it was filed
2 on July 8th by the parties proffering such testimony.

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1 The doctor will be testifying, therefore, in the
2 nature of a rebuttal witness.

3 We have no additional statements to make at this
4 time. If the parties are ready, I will ask first to have
5 the appearances entered on the record for this hearing.

6 Mr. Conner, would you like to start with the
7 applicant?

8 MR. CONNER: If the Board please, my name is
9 Troy B. Conner, Jr. With me is Robert M. Radar and Niles
10 N. Nichols of our firm of Conner and Wetterhahn. Our formal
11 appearance has already been entered on the record.

12 JUDGE HOYT: Thank you, Mr. Conner, and welcome,
13 gentlemen.

14 Mr. Hassell for the Nuclear Regulatory Commission
15 Staff.

16 MR. HASSELL: My name is Mr. Hassell, counsel for
17 NRC Staff. My formal appearance has been entered in the
18 record.

19 MS. WRIGHT: My name is Nathine Wright. My
20 formal appearance has been entered for the NRC Staff into the
21 record.

22 JUDGE HOYT: Thank you.

23 MR. HIRSCH: My name is Mike Hirsch. I am here
24 representing the Federal Emergency Management Agency.

25 JUDGE HOYT: Thank you.

Sim 2-2

1 Mr. Love.

2 MR. LOVE: My name is Angus Love, and I am here
3 representing the intervenors, the Graterford Inmates.

4 MS. FERKIN: My name is Zori Ferkin. With me
5 today is Mr. Theodore Otto and also with me today is
6 Mr. Ralph Hippert, and we are representing the Commonwealth
7 of Pennsylvania in this proceeding. Mr. Otto's and my
8 formal appearances have already been entered on this record.

9 JUDGE HOYT: Thank you, ladies and gentlemen for
10 these acknowledgements of your presence here.

11 Are you ready to call the first witness, Ms.
12 Ferkin?

13 MS. FERKIN: Yes, Your Honor.

14 At this time the Commonwealth calls Mr. Charles
15 Zimmerman.

16 JUDGE HOYT: While Mr. Zimmerman is coming forward
17 to be sworn, are there any preliminary matters that need to
18 be raised at this time?

19 MR. LOVE: Your Honor, may I take it that my
20 request to make an opening statement has been denied?

21 JUDGE HOYT: No. You haven't opened your case,
22 Mr. Love.

23 MR. LOVE: Oh, fine.

24 JUDGE HOYT: It is still under advisement.
25 Whereupon,

Sim 2-3

SUPERINTENDENT CHARLES H. ZIMMERMAN

1
2 was called as a witness on behalf of the Commonwealth and,
3 having been first duly sworn by Judge Hoyt, was examined and
4 testified as follows:

5 JUDGE HOYT: Thank you, sir. Be seated.

6 Mr. Ferkin, is this your witness? I am sorry,
7 Mr. Otto, your witness.

DIRECT EXAMINATION

8
9 BY MR. OTTO:

10 Q Would you please state your name and business
11 address for the record?

12 A Charles H. Zimmerman, Superintendent, State
13 Correctional Institution at Graterford.

14 Q Superintendent Zimmerman, do you have before you
15 today a document entitled "Testimony of Charles H. Zimmerman,
16 Superintendent, State Correctional Institution at Graterford
17 on Behalf of the Commonwealth of Pennsylvania" consisting
18 of an eight-page written testimony and a one-page attachment
19 entitled "Flow Chart" and a four page resume of yourself?

20 A Yes.

21 Q Does this document constitute your direct testimony
22 in the proceeding?

23 A Yes, it does.

24 Q And was this testimony prepared by you or under
25 your direction?

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So, 2=4

1 A Yes.

2 Q And do you have any corrections to make at this
3 time?

4 A No.

5 Q Is your testimony true and correct to the best
6 of our knowledge, information, and belief?

7 A It is.

8 MR. OTTO: Your Honor, at this time I would move
9 the testimony of Charles H. Zimmerman, Superintendent, State
10 Correctional Institution of Graterford on behalf fo the
11 Commonwealth of Pennsylvania be received in evidence.

12 JUDGE HOYT: Mr. Otto, do you intend to have
13 the resume of Mr. Zimmerman attached to this statement?

14 MR. OTTO: Yes, ma'am.

15 JUDGE HOYT: I don't recall whether or not you
16 described that or only the eight-page statement of testimony.

17 MR. OTTO: Yes, ma'am, that was the four-page
18 resume for Charles H. Zimmerman previously described.

19 JUDGE HOYT: Any objection?

20 MR. LOVE: No objection.

21 JUDGE HOYT: I think all the copies of this that
22 the Board has, Mr. Otto, has a problem with the flow chart,
23 and specifically it is in the middle of that flow chart on
24 the left-hand side. Evacuation seems to have slid up, and
25 was there anything attached above that? If it will help

Sim 2-5

1 you to see the copy that we have, perhaps that would be
2 somewhat more descriptive than my word description.

3 MR. OTTO: Your Honor, I was provided a copy
4 of the flow chart that I think is identical to yours. The
5 only thing that was shifted there were the captions for those
6 figures, and on the left-hand side it says evacuation and
7 on the right-hand side it says evacuation begins, and the
8 rest of the copy is accurate. So with those minor ---

9 JUDGE HOYT: There is nothing that has been
10 deleted then by the duplicating process.

11 MR. OTTO: No, Your Honor.

12 JUDGE HOYT: I think that is what had concerned
13 the Members of the Board here.

14 MR. OTTO: No, nothing was deleted in the
15 process.

16 JUDGE HOYT: Very well then.

17 JUDGE COLE: So underneath the words "Evacuation
18 begins," there is a repeat of that and it is illegible.

19 MR. OTTO: Correct.

20 JUDGE COLE: Can we just put a line through
21 it?

22 MR. OTTO: Correct. Under "Evacuation begins,"
23 the first line should read "Vans leaving institution," and
24 I believe it does on those copies.

25 JUDGE HOYT: Again, I ask if there are any

Sim 2-6 1 objections.

2 (No response.)

3 JUDGE HOYT: Very well. The testimony of
4 Charles H. Zimmerman, Superintendent, State Correctional
5 Institution at Graterford on Behalf of the Commonwealth of
6 Pennnsylvania," and eight-page statement with a flow chart
7 attached the the resume, which is a multi-page document
8 containing four pages of the qualifications of the witness,
9 will be received into evidence and attached to the record
10 at this point in the transcript.

11 (The Testimony of Charles H. Zimmerman together
12 with the attachments described follows:)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Philadelphia Electric Company)	Docket Nos. 50-352
)	50-353
(Limerick Generating Station,)	
Units 1 and 2)	

TESTIMONY OF CHARLES H. ZIMMERMAN,
SUPERINTENDENT,
STATE CORRECTIONAL INSTITUTION AT GRATERFORD
ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA

Q.1. Please state your full name and business address for the record.

A.1. Charles H. Zimmerman, Superintendent, State Correctional Institution at Graterford, Box 244, Graterford, Pennsylvania, 19426.

Q.2. How long have you been the superintendent for Graterford?

A.2. I came to Graterford in August of 1983, as the Acting Superintendent pending confirmation. I was confirmed as permanent superintendent in November of 1983.

Q.3. Have you remained superintendent from that time?

A.3. Yes.

Q.4. Superintendent Zimmerman, could you please describe your prior correctional experience as well as your education and background?

A.4. This information is contained in a document entitled Resume - Charles H. Zimmerman which is attached hereto.

Q.5. Could you please describe your responsibilities as the superintendent of the State Correctional Institution at Graterford?

A.5. I am the chief executive officer of the institution with administrative responsibility for the fiscal management and operation of the institution. It is my responsibility to maintain the security and maintenance operations aspect of the institution. Additionally, I oversee the provision for the health, safety and welfare of our inmates and to provide programs for their rehabilitation.

Q.6. Are you familiar with the Radiological Emergency Response Plan for Graterford in response to a nuclear incident at the Limerick Generating Plant?

A.6. Yes, I am familiar with the plan. I worked closely with our RERP Coordinator, Mr. Stephen Lucash, to determine what we would have to do to gather our inmates to implement an evacuation and to coordinate the process of bringing in the appropriate vehicles and embarking our inmates on those vehicles and getting them out according to the selected routes. This process was done in conjunction and cooperation with the Pennsylvania Emergency Management Agency, as well as the Central Office for the Department of Corrections, both of whom gave us support and suggestions. We also ran through an evacuation emergency exercise with these agencies for the Federal Emergency Management Agency on March 7, 1985.

Q.7. Have you been involved in developing an estimated time of evacuation for Graterford?

A.7. Yes. It is my understanding that Commissioner Jeffes gave an estimated time for evacuation for Graterford several months ago. We subsequently undertook an independent analysis of the components of and the time needed to complete an evacuation of Graterford. In doing so, we worked with staff at Graterford on site and developed an evacuation time estimate based upon past experiences as to how long it would take us to secure, prepare for evacuation and ultimately evacuate the institution.

After we developed the estimated time of evacuation at Graterford, I reviewed it with Commissioner Jeffes. We both used the same methodology in developing our estimated time of evacuation. In my opinion, in order to arrive at a reasonable estimated time of evacuation, the method we used is the only method. To more fully illustrate this methodology, we developed a flow chart, which is submitted with this testimony.

Q.8. Superintendent Zimmerman, turning to the flow chart, how was this developed?

A.8. We developed our estimates based upon previous experience with other emergencies and the day-to-day operation of the prison. We know, for example, that to lockdown the institution would take us approximately 30 minutes. We then would have to get a count of the inmates. We make counts routinely everyday, and they take approximately 30 minutes.

Q.9. Superintendent Zimmerman, do you expect it to take any longer to lockdown the institution during an evacuation situation than on a normal day?

A.9. Based on our past experience, when there are life threatening situations and the inmates know something is going on, for their own good, they cooperate with the staff. For example, we've had fire drills in the past, and inmates cooperate with those. So, during an evacuation due to a nuclear incident, we expect this to take thirty minutes.

Q.10. Superintendent Zimmerman, are there situations and circumstances for this evacuation where the inmates would not have to be locked down?

A.10. Yes. If this happened in the middle of the night or during one of our population counts, the institution population would already be locked down. We have the population locked down at 5 p.m. daily just before dinner for count. We

also have a majority of the prison population in its cells just before lunch, about 11:30 a.m. There are, therefore, several times during the day, as well as the entire night, that we would not have to undergo the lockdown process. For the purpose of estimating the time for evacuation, however, it was reasonable to include the time needed to effect a lockdown.

Q.11. What, if anything, will the inmates be told while the officers are walking the blocks taking the count?

A.11. While the officers are taking count, the inmates would be notified via our public address system, which is heard throughout the institution, that they should pack their personal effects in a pillowcase, that they would be permitted to take only that which would fit on that person and the pillowcase, and only those health and comfort items deemed necessary for their trip and for their relocation.

Q.12. Would the inmates have any other notice regarding the evacuation?

A.12. Yes. We plan to issue an addendum to the inmate handbook, which is given to every inmate. The addendum will tell the inmates what to do to help in the evacuation.

Q.13. Turning to the "Vehicle Arriving" portion of the flow chart, can you describe how you arrived at those figures?

A.13. Yes. We travel these routes regularly with our own buses and vans when moving from one facility to another, and we used what we considered to be the most reasonable figure. If we would have gradual entry into the emergency situation, we would already have the buses on site at Graterford. On the other hand, if we have a more rapidly developing incident, it may take between one to three hours for the bus companies to get their vehicles to the support facilities and then travel time to Graterford. The figure we used in developing the estimate was two to four hours. This

is a realistic travel time from the support institutions to Graterford and is based on the drivers having the busses at the support institutions.

Q.14. Turning your attention to the off-duty personnel figures on the flow chart, can you discuss how they were arrived at?

A.14. Yes, the chart indicates that off-duty personnel will arrive in one to two hours. We know this because we've had emergency situations where we've had to call in off-duty personnel. In addition, our institution emergency plan, which is tested at least twice a year, requires us to conduct a test of our call-in system. Our response in this instance is based upon those tests as well as those actual emergency situations that have happened over the past several years. Some of the personnel begin to arrive almost immediately, but to get the manpower for the loading teams will take one to two hours. All of the off-duty personnel would not be required to effect our evacuation plan; only the number indicated in the plan itself would be necessary to effect the movement of the inmates from their cells to the staging area.

Q.15. Turning your attention to the "Vehicle Loading Team" figure on the flow chart, can you discuss how that was arrived at and what it really means?

A.15. Basically, it means that we assigned designated personnel to be vehicle loading teams, that is, they would be at the staging areas. We have designated five of those areas in various places in the institution to which inmates would be funneled and boarded on the buses. Loading team personnel are required to see that the inmates get on the proper vehicle.

Q.16. Turning your attention to the information under the heading of "Evacuation" on the flow chart, could you explain the figures shown for the Class 3, 4 and 5 inmates?

A.16. Yes. Class 4 and 5 inmates are those inmates requiring the least amount of security that we have at our institution. In point of fact, many of these inmates live outside the walls of the institution and work outside the walls. Some of them go home on furloughs periodically. Class 3 inmates are those inmates designated as our general population. They are free to move about the inside of the institution depending on their work assignments, where they live, and in which program they are involved. All of our staff who would be involved in moving these inmates have been trained in the use of security equipment and use it on a regular basis. We have designated special teams that go on the blocks, the numbers determined by the size of the block and the amount of security needed. These teams would effectively remove the inmate from his cell, apply the appropriate security device and see him on his way to the appropriate staging area. The teams can move from cell to cell because we will have officers running a line from the block that is being evacuated onto the staging area. The inmate will be directed to go and follow that line of officers so that the inmates in effect would be walking to the staging areas for boarding the buses in a smooth, uninterrupted flow.

Q.17. Superintendent, the amount of time you have allocated for these Class 3, 4 and 5 inmates appears to indicate that more than one inmate at a time in each of these classes will be getting security restraints and being loaded, is that correct?

A.17. Yes. We have teams of officers doing this simultaneously on several blocks and moving right down the block on all of the ranges and tiers. Ranges and tiers are the different parts of the cellblock.

Q.18. In the flow chart you allocated more time for the Class 1 and 2 inmates. Could you describe what Class 1 and 2 inmates are and why you allowed more time to restrain and load these inmates?

A.18. Class 1 and 2 inmates are those requiring the highest degree of security that we have in the facility. These are inmates who are in our restricted housing units or in disciplinary lockup or administrative custody. The reason we have allowed more time to restrain and load them is because of additional security devices that may be used and the additional security required in moving them from their cells to the vehicles. Again, there are several teams working, depending upon the location and the physical plant, and the time estimate is based on the fact that the officers are familiar with using the restraints and moving the inmates.

Q.19. What effect would there be on the evacuation if one of the cellblocks refuses to lockdown or in some other way tries to impede the evacuation of the institution?

A.19. I believe minimal to none. My opinion is based upon the fact that we handle emergency situations on an almost regular basis, and the very nature of the fact that Graterford is a maximum security correctional facility. We have a team of trained personnel, our Emergency Response Team, which would be on hand and would be ready to respond to any type of situation like this. We can isolate areas inside the institution, and once isolated, we simply move the required personnel into that area, and they do whatever it is that they have to do to restore order.

Q.20. The other inmates could still be evacuated?

A.20. Absolutely.

Q.21. Turning your attention to the caption "Evacuation Begins" on the flow chart, how did you arrive at the numbers for the times of evacuation for the vans, ambulances and buses?

A.21. We arrived at these figures by evaluating the actions that would take place during the evacuation. Certain actions will take place at the same time. We can

begin lockdown, request the vehicles and call in off-duty personnel at the same time. As I discussed earlier, inmates will be restrained, loaded into vehicles and removed as the vehicles arrive on site. To arrive at the total of eight to ten hours, we reviewed the busses that would be coming at what time and how many inmates would be loaded at what times. We then added a short period of time for travel time out of the evacuation area. Although I am not at liberty to disclose evacuation routes, I can say that we will have the inmates go out of the evacuation area in a reasonably direct route. We will certainly not take them out past Limerick.

Q.22. Why do you have a range of numbers in this section?

A.22. Because we would load the busses as they arrive and send them out to the support institutions, and the busses are expected to come in at varying times since they are travelling different distances.

Q.23. In conclusion, Superintendent Zimmerman, do you believe the evacuation could take longer than the eight to ten hours you have compiled for the evacuation time estimate for Graterford?

A.23. In my opinion, it's highly unlikely. We developed the estimate using figures based on experience, including experience with emergency situations. The inmates will have been provided information with respect to an evacuation in the inmate handbook and will be kept abreast of developments during an incident. My staff and I are confident that the evacuation can be completed in the time indicated in the flow chart.

FLOW CHART
S.C. G.
R.E.R.P. EVACUATION

Evacuation Order: _____

Lockdown Order (30 Minutes): _____

Population Count (30 Minutes): _____

Vehicles Arriving (2 to 4 hours, adverse conditions 4 to 6 hours maximum)
58 Buses - 3 Ambulances
10 Vans

Off Duty Personnel Called
(1 to 2 hours, adverse conditions 2 to 3
hours maximum)

Vehicle Loading Teams Assigned
5 Loading Sites (1 hour)
A - B - C - D - E

Evacuation:
Evacuation:

200 Inmates Class 4 & 5 (1 Minute per 1 Man)
(25 Minutes Securing & Loading)

2125 Inmates Class 3 (1 Minute per 1 Man)
(5 Hours 10 Minutes Securing & Loading)

125 Inmates Class 1 & 2 (5 Minutes Per Man)
(2 Hours 6 Minutes Securing & Loading)

Evacuation Begins:

Evacuation:

Vans Leaving Institution
(Within 3 Hours of Notice to Evacuate)

Ambulances Leaving Institution
(Within 3 Hours of Notice to Evacuate)

Buses Leaving Institution
(Within 3 to 8 Hours of Notice to Evacuate)

EVACUATION COMPLETED
Last group of buses
leaving within 8-10 hours

RESUME

CHARLES H. ZIMMERMAN

4603 Perkiomen Creek Road
Collegeville, Pennsylvania 19426
Telephone: 215-489-2184

Marital Status: Married
Two Children
Date of Birth: February 16, 1944

EDUCATION

B.A. Ohio State University, 1969
M.S. Xavier University, 1971

Major: Sociology
Major: Corrections

RECEIVED

JUL 01 1985

OFFICE OF CHIEF COUNSEL

RECEIVED

CORRECTIONAL EXPERIENCE

August 1983 - Present

State Correctional Institution at Graterford
Post Office Box 244
Graterford, Pennsylvania 19426

Acting Superintendent - Three Months;
Appointed: November 14, 1983

DUTIES: Total administrative responsibility for treatment, custody, and fiscal operations of a maximum security state institution with a population of approximately 2400 adult felons. Directly responsible for day to day operation of the institution and providing for care, custody, control, and rehabilitative services of the inmates. Responsible to plan, organize and direct the program and operation, including a Diagnostic and Reception Center; classification and treatment programs, overall custody, farm, industrial and plant operations, fiscal operations, and personnel management. Responsible for formulating institutional policies and procedures under the umbrella of Bureau of Correction guidelines and directives. Presently working towards institution accreditation. Direct a staff of over six-hundred (600) employees and administer a budget in excess of \$32,000,000.

June 1980-August 1983

State Correctional Institution at Huntingdon
Drawer R
Huntingdon, Pennsylvania 16652

Superintendent

DUTIES: Total responsibility for treatment, custody, and fiscal operations of a maximum security State Correctional Institution with a population of over 1550 adult felons. Duties same as above. During my tenure as Superintendent, the institution population increased from approximately 1000, for a gain of over

50%. Staff increased as well to approximately 365 full time employees, and the annual budget went from approximately \$10,000,000 to approximately \$13,500,000. Accepted and met the challenge to enable the institution to assimilate this large increase in population with a minimum of difficulty and no major problems by innovative programming, developing alternative schedules for routine functions such as showers, feeding, recreation, etc., double celling, and the development of dormitory and outside modular housing units. Also brought the institution to within final readiness status for the Commission of Accreditation audit.

June 1978-June 1980

State Regional Correctional Facility at Mercer
R.D. #2, P.O. Box 10
Mercer, Pennsylvania 16137
(Regional Correctional Institution)

Superintendent

DUTIES: Total responsibility in directing the treatment, custody, and supportive programs of a 180 man minimum security, regional correctional facility. Began by recruiting, hiring and training a total staff of 101 personnel involved in all areas of institutional operations including maintenance, dietary, medical, clerical, security, personnel, and business management. Directly responsible for the subsequent day-to-day operations of the institution in providing for the custody, control and rehabilitative services for inmates. Formulated and implemented institutional operating philosophy and directed program development to provide for academic and vocational opportunities for inmates committed to the institution. Also direct development and implementation of group and individual counseling, educational release programs, work release programs, and a full spectrum of leisure time recreational activities. Responsible to oversee and direct an overall operating budget of \$2.3 million.

March 1973-May 1978

State Correctional Institution
Post Office Box 99901
Pittsburgh, Pennsylvania 15233
(Maximum Security Correctional Institution)

Deputy Superintendent for Inmate Services

DUTIES: Total administrative responsibility for the treatment area of a one thousand inmate, adult, maximum security correctional facility. This included the direct supervision of department supervisors in the following areas: medical services, counseling (including psychiatric and psychological), diagnostic and classification center, activities, chaplains, data

services (including records, clerical and receiving), vocational placement, and education (academic and vocational). Developed volunteer resources and community services involving over fifty (50) separate agencies and over two-hundred (200) individual participants rendering services to inmates. Involved with labor issues, including grievance hearings, regular meet and discuss meetings and negotiations regarding local issues. Responsible for review and approval of budgets for all treatment areas. Review all disciplinary procedures and individual inmate lock-ups. Review monthly sanitation, health and safety standards of entire institution including dietary and living quarters. Administrator in charge of the institution on a regular basis as rotating "Duty Officer" and Acting Superintendent during his absence.

July 1972-March 1973

Lebanon Correctional Institution
P.O. Box 56
Lebanon, Ohio
(Medium Security Correctional Institution)

Assistant Associate Superintendent

DUTIES: Served as Administrative Assistant to the Superintendent and both associate superintendents. Performed administrative, coordinating, and supervisory duties in all areas of the institution including security, treatment, and community programs and relations. Acted as legal advisor to institution disciplinary board and performed public relations activities for the institution, which included news interviews, television appearances, and public speeches. Conducted in-service training classes for all institution personnel. Also acted as direct liaison between inmates and line personnel and the Superintendent, thereby insuring a cooperative acceptance and implementation of new departmental policies and procedures. Directed and coordinated all inmate programs including religious, community services and Jaycees. On assigned weekends, and holidays, acted as administrator in charge of the institution.

October 1969-July 1972

Lebanon Correctional Institution
Post Office Box 56
Lebanon, Ohio
(Medium Security Correctional Institution)

Social Worker

DUTIES: Supervised the Social Services Department in the absence of the regular supervisor. Had a caseload of up to 450 inmates. Acted as a voting member of various institution committees. Conducted a narcotics education program within the institution and gave presentation on drug abuse to interested citizens' groups and educational facilities. Conducted

individual, group, and family counseling. Wrote social histories and special reports for the Parole Board.

June 1969-October 1969

Ohio State Penitentiary
Post Office Box 511
Columbus, Ohio
(Maximum Security Penitentiary)

Social Worker

DUTIES: Duties included counseling, participation in orientation programs, research and writing social histories

TEACHING AND CONSULTING

August 1984

Commission on Accreditation for Corrections
Certified Commission consultant for adult Correctional Institutions.

June-July 1984

New Jersey Civil Service Examiner
Trenton, New Jersey
Correctional Administration Examiner

January 1980-1981

Certified Instructor for Municipal Police Officers
Education and Training

September 1979-May 1980

Indiana University of Pennsylvania
Indiana, Pennsylvania
Instructor - Criminology - Extension Program

June 1974

Xavier University
Cincinnati, Ohio
Consultant - Training Program for County Corrections Officials

September 1972-June 1973

Xavier University
Cincinnati, Ohio
Graduate Instructor - Corrections

October 1972-December 1972

Hocking Technical College
Nelsonville, Ohio
Undergraduate Instructor - Corrections

MILITARY

May 1966-March 1968

U. S. Marine Corps

PROFESSIONAL ORGANIZATIONS

American Correctional Association - Member
North American Association of Wardens and Superintendents - Member
Pennsylvania Prison Wardens' Association - Member

Sim 2-7

1 JUDGE HOYT: Very well, do you have any
2 additions, deletions or revisions to make on this, Mr Otto,
3 or is the witness tendered for cross-examination?

4 MR. OTTO: The witness is tendered for cross,
5 Your Honor.

6 JUDGE HOYT: Very well.

7 The order for cross-examination was not
8 established. However, I think we will simply start out
9 with the applicant and move around the room accordingly,
10 with the staff being the last, which is customary in these
11 hearings. If you are not acquainted with that procedure,
12 Mr. Love, the Nuclear Regulatory Commission Staff attorney
13 is usually afforded the last position in the examination
14 ritual.

15 So we will take the applicant, Mr. Conner, and
16 his staff first, and then we will take Mr. Hirsch and
17 then the Nuclear Regulatory Commission staff.

18 Mr. Conner, would you begin your cross, please.

19 MR. CONNER: The applicant has no cross of this
20 witness.

21 JUDGE HOYT: Very well.

22 Mr. Hirsch, do you have any examination of the
23 witness?

24 MR. HIRSCH: Your Honor, I don't anticipate having
25 any cross, but perhaps Mr. Love might be given the

Sim 2-8

1 opportunity to proceed.

2 JUDGE HOYT: Well, now, Mr. Hirsch, we have
3 already described the routine. He is going to be given
4 that opportunity. You don't have to appeal for his
5 participation.

6 MR. HIRSCH: Okay.

7 JUDGE HOYT: Do you want to begin your cross,
8 Mr. Love?

9 MR. LOVE: Excuse me?

10 JUDGE HOYT: Are you ready to begin your cross?

11 MR. LOVE: Yes, I am ready to begin.

12 JUDGE HOYT: Proceed.

INDEX

CROSS-EXAMINATION

14 BY MR. LOVE:

15 Q Good afternoon, Superintendent Zimmerman.

16 A Good afternoon.

17 Q I would like to touch briefly upon your resume
18 prior to getting to the merits of the testimony. I would
19 like to ask you if you have received any training regarding
20 preparedness for a nuclear emergency during your schooling
21 and what-not?

22 A Prior to coming into Graterford, you mean?

23 Q Yes.

24 A No.

25 Q Did you receive any training in basic radiological

Sim 2-9

1 principles?

2 A No.

3 Q Do you have any training in traffic engineering?

4 A No.

5 Q Do you have any training in evacuating large
6 institutions?

7 A Experience.

8 Q And what experience would that be?

9 A With development of plans at the State
10 Correctional Institution at Huntington when I was Superintendent
11 at Huntington, with assisting in plans to evacuate the State
12 Correctional Institution at Camp Hill when I was Superintendent
13 at Mercer and also in developing plans to evacuate the State
14 Correctional Regional Correctional Facility at Mercer.

15 Q Now which, if any, of those dealt with nuclear
16 emergencies?

17 A All of them. We had to develop emergency plans
18 in all of our institutions for any type of emergency, and
19 when the Three Mile Island Incident occurred, it made us
20 aware of the fact that we had to develop evacuation plans for
21 nuclear emergencies as well.

22 Q So that occurred after the Three Mile Island
23 accident; is that correct?

24 A That is correct.

25 Q Were you in any way involved in any evacuations

Sim 2-10

1 during the Three Mile Island incident?

2 A No.

3 Q And where were you working in 1979 when that
4 occurred, if you recall?

5 A The State Regional Correctional Facility at Mercer.

6 Q I see. Have you had any experience in evacuating
7 a prison during a nuclear emergency?

8 A No.

9 Q Now have you in fact ever had to evacuate a large
10 institution?

11 A No.

12 Q With respect to your military service, you were in
13 the United States Marine Corps; is that correct?

14 A Yes.

15 Q And what rank did you hold in that service?

16 A When I left active duty, I was an E-4 Corporal.

17 Q I see. And what type of discharge did you receive?

18 A Honorable.

19 Q And why were you in for only 22 months?

20 A It was during the Vietnam era, and I signed up for
21 a two-year enlistment and I got out early to go to college.

22 Q All right. Now with respect to the estimated
23 time of evacuation that you have prepared, and I believe you
24 said you subsequently undertook an independent analysis of the
25 components of of the estimated time of evacuation; is that

Sim 2-11 1 correct?

2 JUDGE HOYT: Where are you reading from, Mr. Love?

3 MR. LOVE: From his testimony, excuse me one
4 moment.

5 (Pause.)

6 Page 2, question and answer No. 7.

7 "Have you been involved in developing an estimated
8 time of evacuation for Graterford?"

9 "Yes. It is my understanding that Commissioner
10 Jeffes gave an estimated time for evacuation for Graterford
11 several months ago. We subsequently undertook an independent
12 analysis of the components of and the time needed to complete
13 an evacuation of Graterford."

14 Is that accurately stated?

15 THE WITNESS: Yes.

16 BY MR. LOVE:

17 Q It is my understanding that, and correct me if
18 I am wrong, that Commissioner Jeffes' estimate was six to ten
19 hours. Is that accurate?

20 A I believe that is what the Commissioner estimated.

21 Q And am I correct in stating that your estimate is
22 slightly different than his estimate? Is that correct?

23 A Let me see exactly where we came up with it. I
24 believe ours was a bit shorter than the Commissioner's.

25 JUDGE HOYT: If you have a citation to the

Sim 2-12

1 testimony, Mr. Love, it would save some effort.

2 MR. LOVE: I have ---

3 THE WITNESS: Our flow chart summarizes it at
4 eight to ten hours. When we put the figures together, we were
5 still within the six to ten-hour range I believe.

6 MR. LOVE: The document that I was referring to,
7 and the only information in the record came in the form of
8 an affidavit of E. Robert Schmidt Jeffery Kaiser concerning
9 the risks to the inmates of the State Correctional Institute
10 at Graterford from accidental releases of radioactive material
11 from the Limerick Generating Station. It was attached as an
12 exhibit to the applicant's first request for an exemption.

13 No. 13 states, "Once notification to evacuate the
14 prisoners has been given, it is expected it will take six
15 to ten hours before the last prisoner is ready to leave
16 (private communications between Theodore G. Otto, III,
17 Commonwealth of Pennsylvania Assistant Counsel, Department
18 of Corrections, and G. T. Kaiser, Nuss Corporation, 1/31/85."

19 Does that refresh your memory with regard to
20 the original six to ten-hour evacuation plan?

21 THE WITNESS: I don't believe I was involved
22 with that.

23 MR. LOVE: Well, that is what I am trying to
24 get at.

25 BY MR. LOVE:

Sim 2-13

1 Q So you know nothing about that particular
2 estimate; is that correct?

3 A I wasn't involved in that one, no.

4 Q Okay. Is it correct that the plan itself does
5 not contain any specific time frame?

6 A I believe that is correct. I would have to refer
7 to the plan to be positive.

8 Q Okay. So the plan contains no time frame.
9 Commissioner Jeffes through this affidavit has stated six
10 to ten hours. Now you are stating eight to ten hours. I would
11 just like to get how you came up with these figures that seem
12 to be different than prior statements.

13 MS. FERKIN: I would object to the question. There
14 is a characterization in his question to which I would object
15 to, the characterization of Commissioner Jeffes' estimate.

16 JUDGE HOYT: Have you any argument, Mr. Love?

17 MR. LOVE: I don't know if it is Commissioner
18 Jeffes' estimate. I know that Mr. Otto could perhaps clear
19 it up. He was the one that was quoted in the prior pleadings
20 stating it was six to ten hours.

21 MR. OTTO: That is correct. I mean Commissioner
22 Jeffes did come up with a six to ten-hour estimate.

23 JUDGE HOYT: Any other arguments?

24 (No response.)

25 Very well. The objection is sustained.

Sim 2-14

1 BY MR. LOVE:

2 Q Now could you tell us how you came up with your
3 estimate as a juxtaposition to Mr. Jeffes' estimate?

4 A I believe I can explain in my own words, which I
5 indicated I believe in my direct testimony. Based on the
6 experience that we have with the steps that we have to take
7 to secure the institution, namely, we have to lock the
8 institution up and it depends on the time of day as to how long
9 that would take us. It averages about 30 minutes. We would
10 then have to get a count of our population, and the average
11 for that is about 30 minutes as well.

12 If at the same time that we receive the direction
13 that we had to secure the institution for an evacuation and
14 the buses were sent on their way, they would be on the way
15 while all this was going on. Within two hours we would be
16 ready to embark on the buses. We would have our staging area
17 set up and we could begin loading the buses and getting
18 inmates out.

19 Then based upon the amount of time it takes for
20 buses to come from their furthest point, get to the staging
21 area and load up and depart is how we came up with our
22 time estimate.

23 end Sim
24 Joe fols

1 Q May I approach the witness?

2 JUDGE HOYT: Yes, Mr. Love, you may. If,
3 however, you have some document to show the witness, I would
4 prefer that you give a copy of it first to his counsel before
5 you show it to him, and you have done so, and a copy to the
6 FEMA counsel and a copy to the Nuclear Regulatory Commission
7 Staff and a copy to the Applicant. We would like a copy.

8 MR. LOVE: There are two copies, Your Honor.
9 We are one short.

10 JUDGE HOYT: Two is fine.

11 (Document is shown to witness.)

12 MR. LOVE: Now, the document I am referring
13 to, Number 4.1, Graterford Prison, it is my understanding
14 this document was the original evacuation time estimate
15 submitted with respect to the Graterford Prison, and it
16 states: State Commissioner of Corrections estimated a total
17 evacuation time of five hours and thirty minutes for
18 Graterford if evacuation order is given in the day time.

19 BY MR. LOVE: (Continuing)

20 Q Now, are you familiar with this estimate?

21 JUDGE HOYT: Just a minute, sir. Let me first
22 find out first of all where you obtained this.

23 MR. LOVE: This was in my files when I took
24 over the case, and it was my understanding that this was
25 the initial filing with respect to the Graterford Evacuation

1 Plan, some three or four years ago.

2 JUDGE HOYT: Mr. Conner, can you give us a
3 hand as to where this particular, I would take it part of the
4 environmental statement --

5 MR. CONNER: That is my recollection. We asked
6 Mr. Zimmerman to produce any document he intended to rely
7 on during discovery, so we could have checked it, and we will
8 check it tonight.

9 My memory is, however, is that this was attached
10 to our environmental impact statement which was filed in 1981.
11 March 1981.

12 MR. OTTO: Just for the record, that substantially
13 precedes the development and the final drafts of our
14 evacuation plan, so it wasn't based on a plan in effect
15 at this time.

16 JUDGE HOYT: Mr. Love, let me inquire of you,
17 then, is this really germane to any of the issues before
18 this hearing?

19 We are dealing with a new estimate entirely.
20 This was filed, oh, four years ago, and I think has been
21 revised substantially since then.

22 My recollection is that I get some submissions
23 on all these things almost daily in the office, so that I
24 would seem that this is probably updated, too.

25 MR. LOVE: That is just exactly what my next

1 question is.

2 Are these documents all to be read as one,
3 or are they revisions. Because what I see here is initially
4 a five hour and thirty minute estimate, and then I see
5 Commissioner Jeffries six to ten hour estimate, and now I
6 see Superintendent Zimmerman's eight to ten hour estimate,
7 and I wonder what is the history of the development here.

8 JUDGE HOYT: Well, Mr. Love, the time to have
9 educated yourself on the background of the case stopped some
10 ago.

11 And it is not going to continue in this case
12 today . We know what we have before us. We are not going
13 back into the historical aspects of how these various things
14 were developed. This witness has already told you what his
15 knowledge is, when he came into the planning of the evacuation
16 for this particular installation.

17 And I don't think this is germane to any of the
18 issues that we have.

19 Unless you can give us something better than
20 just an educational process of yourself, I think we will have
21 to ask you to limit your cross examination to the contents
22 of the direct testimony that you have before you.

23 MR. LOVE: I think it is important, Your Honor,
24 to understand the relationship between Superintendent
25 Zimmerman and the Commissioner of Corrections, especially in

1 light of the fact that they are giving two different time
2 estimates.

3 JUDGE HOYT: I think that can be explained,
4 Mr. Love, and if you wish to examine this witness on that,
5 you may do so.

6 I don't think, however, what appears to be
7 an ancient, in terms of how long this case has gone on,
8 description of the estimated time of evacuation which is
9 not involved in your particular contention.

10 Does anyone else wish to have any -- well, Mr.
11 Conner, you seem to have a finger raised at least. What do
12 you have?

13 MR. CONNER: If the Board please, I checked with
14 Mr. Honan, the Philadelphia Electric engineer who handles
15 licensing matters such as this. He recalls this document
16 as being one that was requested by the NRC Staff following
17 the Three Mile Island accident to give just estimates for the
18 NRC's planning purposes.

19 It may, or may not, have been included in the
20 draft environmental impact statement. We would note that
21 at the time this was submitted, this was prior to the EPZ
22 having been defined or the evacuation routes defined, and
23 of course, based on 1980 census data.

24 So, there is a lot of reasons why this is just
25 an early estimate.

1 JUDGE HOYT: It was not then a part of the
2 environmental impact statement, is that what you are saying?

3 MR. CONNER: I am not sure. We will check that
4 and advise you if there is anything to the contrary.

5 It may have been in both places. It may have
6 been used both places.

7 JUDGE HOYT: Did anyone from the Staff -- Mr.
8 Hirsh, would you have any input on this?

9 MR. HIRSH: No, I have no input.

10 JUDGE HOYT: Ms. Ferkin, do you wish to respond
11 to any of the argument? Mr. Otto?

12 MS. FERKIN: The only point I would wish to
13 raise is given the characterization of the document by the
14 Applicant, it seems that the document loses much, or any of
15 its relevance, given the scope of Mr. Zimmerman's time at
16 Graterford. It is obviously a document that predates his
17 involvement.

18 JUDGE HOYT: I am inclined to agree with you,
19 Ms. Ferkin. It does lose its relevance, particularly I
20 thought this was probably from the environmental impact
21 statement, Mr. Love, but it seems to have even less dignity
22 in the proceeding than that.

23 And you have no knowledge from your files
24 where it came from?

25 I don't think this is germane to any of the

1 issues we are going to litigate here.

2 Proceed to your next line of questioning.

3 MR. LOVE: One further point on this issue.

4 BY MR. LOVE: (Continuing)

5 Q Superintendent Zimmerman, if you can, can you
6 reconcile your estimates with the estimates that the Department
7 of Corrections Superintendent has given?

8 JUDGE HOYT: Now, by those you mean the eight
9 to ten hours, is that correct?

10 MR. LOVE: And if he has any knowledge --

11 JUDGE HOYT: Do you understand the question?

12 MR. ZIMMERMAN: If I may rephrase it. What I
13 think Mr. Love is asking me to do is to comment on how my
14 estimate coincides with the Commissioner's estimate of
15 six to ten hours, which also coincides with the original
16 estimate of five and a half hours, and why I might think
17 that there is a difference.

18 BY MR. LOVE: (Continuing)

19 Q Correct.

20 A Initially, this document which was formulated
21 about four years ago, cites that there were 1,800 inmates
22 at Graterford. We now have approximately 2,600 inmates at
23 Graterfor -- about 2,500 -- a little over 2,500 -- 2,500 to
24 2,600 inmates.

25 So, the increase in population will give us an

1 additional time factor to be considered.

2 Also, we are talking four years later. We have,
3 I think, sophisticated our techniques a little more and we
4 know more of what we are dealing with when it comes to
5 evacuation of a correctional facility, as well as allowing
6 for those special problems.

7 The Commissioner of Corrections estimate of
8 six to ten hours was a broad figure. Just because I came
9 up with eight to ten does not mean you couldn't accomplish
10 it in less time.

11 I tried to be as realistic as possible, given
12 the average conditions, based upon our experiences with what
13 the plan required as well as handling inmates, as well as
14 evacuating the areas of the institution.

15 Locking them down, checking for security,
16 et cetera.

17 I think what you have seen as a result of our
18 estimate on site, by myself and my staff, it is merely a
19 synthesis of all of the more general estimates made by the
20 Commissioner of Corrections based upon his experience as
21 head of the entire Department versus what we have to do on
22 site dealing with the people that we work with every day.

23 Q And how did those estimates coincide with the
24 development of the action plan itself?

25 A That question I don't understand.

1 Q Did you have any input into the plan itself?

2 A (Pause) In what sense? We were told we had
3 to evacuate an institution possibly. We had help with
4 central office and PEMA. We had constant communication
5 and in the sense of what goes on on site, yes, we had input,
6 if that is what you mean.

7 Q Yeah. Okay, I will ask you a couple of
8 particulars with regard to certain aspects of the flow chart
9 you mentioned earlier.

10 First, I would like to turn your attention to the
11 lock down segment of the flow chart, and it is my understand-
12 ing that you state that a thirty minute period can be expected
13 for a lock down.

14 Now, given, of course, the fact that if an
15 emergency occurred at night there would be no need for a lock
16 down, but assuming for the purpose of this question that a
17 lockdown occurred during the daylight hours when the inmates
18 were not already under lock and key in their cells, I am
19 wondering if the thirty minutes that you anticipated is
20 based upon normal day-to-day operations or is it based upon
21 past emergencies, or fire drills, or how did you come to
22 arrive at that thirty minute figure?

23 A All of the above.

24 Q All of the above?

25 A All of the above.

1 Q Okay. Now, with respect to prior emergencies,
2 which you state that you have taken them into consideration,
3 were you Superintendent of Graterford during the power
4 outage on C Block in September -- September 12, 1983?

5 A I was acting Superintendent at that time, yes.

6 Q Now, I would like to -- just so we can follow
7 along give you a memorandum from Captain Case regarding this
8 incident.

9 (Mr. Love hands document to witness.)

10 The document to which I am referring is entitled,
11 Incident in Institution - Power Failure, September 12, 1983,
12 to Deputy Superintendent Vaughan, Major Winder, and Captain
13 Diez, and file, from Captain Creighton M. Cason.

14 Do you recall this incident?

15 A Yes, I do.

16 End 3.
17 SueT fols.
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-SueWalsh1

2 Q Now, it indicates in the first paragraph that the
lights went out at approximately 1715; is that accurate?

3 A To the best of my recollection.

4 Q All right. It goes through the various events of
5 that day, and towards the end it indicates C block was
6 secured at approximately 2128, D block -- this is Page 2.
7 D block secured at approximately 2205.

8 Is that accurate?

9 A To the best of my recollection, yes.

10 Q Now, isn't that some four or five hours after
11 the incident began?

12 A Yes, it is.

13 Q And isn't it further stated that at approximately
14 005 a check was made on C block due to inmates not being in
15 their proper cell; C block had between two and seven inmates
16 in the bottom section, all were placed in single cells
17 approximately 1:20 hours?

18 A Yes.

19 Q And that would be maybe six hours after the
20 incident occurred; is that correct?

21 A It's six hours after the initial power failure.
22 It's not six hours after we began locking up.

23 Q And when would you say you began locking up?

24 A As we moved towards dark. You will note in the
25 first part of the report, it says we were able to continue

#4-2-SueWalsh 1 feeding by sunlight.

2 Q Right.

3 A It was only towards darkness when we had to start
4 to lock up, we were trying to get the power back. And at
5 that time a condition existed in the institution which no
6 longer exists, in that we didn't have an automatic emergency
7 lighting backup system.

8 This was a highly unusual incident that would no
9 longer happen at Graterford.

10 Q So, you are stating that the fact that this lock-up
11 took from four to six hours was because of the failure to have
12 a backup lighting system?

13 A That and the fact that because of the confusion
14 of total darkness and the resistance of the inmates in
15 certain isolated areas, such as C block and D block.

16 Q Well, isn't it possible that those pockets of
17 resistance could develop in an emergency at the Limerick
18 Generating Station the same way they did in this instance?

19 A No. Number 1, there wouldn't be total darkness,
20 which there was at this time. And no one could identify anyone
21 else.

22 Number 2, an emergency at Limerick would be a
23 life-threatening situation to the inmates. And our past
24 experience has showed us that the inmates cooperate with
25 those kinds of situations.

#3-SueWalsh,

1 And, number 3, if one area were in some way dis-
2 rupted we would simply isolate that area and proceed with
3 locking up, securing and preparing the rest of the institution
4 and have our emergency squad handle the one isolated area.

5 Q Now, how long does it take to lock up under normal
6 circumstances?

7 A Approximately thirty minutes.

8 Q So, there is no real additional time frame given
9 for an emergency situation; is that correct?

10 A I'm not sure I understand your question.

11 Q Well, you state that a lock-up normally takes
12 thirty minutes. And you are also stating that under emergency
13 conditions a lock-up will also take thirty minutes.

14 Is that correct?

15 A It depends on the emergency. In some instances,
16 it may happen faster if the inmates know it is for their own
17 good. In other instances where you may have a pocket of
18 resistance, it may take longer.

19 Q I see. All right. Going back to the hostage seige
20 of October of '81, I understand that you were not at that
21 time superintendent at Graterford; however, you were working
22 for the Department of Corrections; is that not correct?

23 A That's correct.

24 MR. HASSELL: Judge Hoyt, the staff is very
25 reluctant to interrupt Mr. Love's cross. But I believe for

4-4-SueWalsh

purposes of the record, since it appears that Mr. Love is moving to another document that Mr. Love should identify -- at least identify for the record the document that he has just finished examining the witness on, because I think it is going to be very difficult to follow in terms of this record.

JUDGE HOYT: I think you are correct, Mr. Hassell. Mr. Love, can you give us some insight as to where this particular document came from?

Do you intend to have it marked as an exhibit? Do you intend to insert it in the record, or try to have it inserted in the record?

MR. LOVE: Yes. I apologize for that oversight.

JUDGE HOYT: All right. Then, go ahead and proceed. Give us the rundown on this.

MR. LOVE: I will label the first document that I referred to, however, which was rejected as P-1.

This one I will label as P-2. This document was obtained through discovery with Mr. Otto, counsel for Superintendent Zimmerman.

JUDGE HOYT: Then, what I will mark as Graterford Inmates Exhibit 1 is the Subject Incident and Institution Power Failure on September 12.

MR. LOVE: I was going to call that 2. I was going to call 1 the prior document that I submitted that was part of the Environmental Impact Statement.

-SueWalsh1

2 JUDGE HOYT: No. You have already been told, Mr.
3 Love, it was not part of the Environmental Impact Statement.
4 Mr. Conner just -- my understanding was that Mr. Conner had
5 said that this was not in fact --

6 MR. CONNER: It was originally created for an earlier
7 purpose, but whether it happens to be in the Environmental Im-
8 pact Statement we will have to check.

9 JUDGE HOYT: All right. Then, I perhaps misunder-
10 stood you and have misspoken.

11 What we will mark then is Graterford Inmates Exhibit
12 1 for identification, the document marked 4.1 Graterford
13 Prison, what had been marked as Graterford Prison Exhibit --
14 Inmates Exhibit 2 for identification is Subject Incident and
15 the Institution Power Failure, September 12th, 1983.

16 (The document referred to is
17 marked as Graterford Inmates
18 Exhibit Number 2 for Identifica-
19 tion.)

20 Do you have anything else?

21 MR. LOVE: Yes. I would --

22 JUDGE HOYT: All right. Good.

23 MR. LOVE: I would like to submit P-3, Report of
24 the Governor's Panel to Investigate the Recent Hostage Incident
25 at the State Correctional Institute at Graterford.

I am not giving the whole report but only the portions

INDEXXX

6-SueWalsh1

which deal with the incident itself and the lock-down.

2 MS. FERKIN: Mr. Love, do you have a copy of the
3 entire report available?

4 MR. LOVE: Yes, I do.

5 JUDGE HOYT: As a matter of housekeeping, Mr. Love,
6 while you are distributing those copies to all counsel, parties
7 to this hearing, and to the Board, we have marked these
8 exhibits as Graterford Inmates Exhibit 1, 2, et cetera.

9 And what we will mark as Graterford Inmates Exhibit
10 3 for identification is the Report of the Governor's Panel to
11 Investigate the Recent Hostage Incident in Graterford State
12 Correctional Institution dated August 1982.

13 (The document referred to is marked
14 as Graterford Inmates Exhibit
15 Number 3 for Identification.)

16 Proceed, sir.

17 MR. LOVE: Yes.

18 BY MR. LOVE: (Continuing)

19 Q Superintendent Zimmerman, are you familiar with this
20 hostage seige that occurred in October of 1981?

21 A Indirectly from reports. Yes.

22 Q And are you familiar with this report that was
23 issued by a Governor's Panel that was appointed to investigate
24 that incident?

25 A Yes.

INDEXXX

7-SueWalsh

Q Now, would it be accurate to indicate that the incident initially was reported as beginning approximately 6:45 p.m. on the -- one moment -- October 28th, 1981?

A I don't know from direct knowledge of that. I don't know when it began. I wasn't there.

I see a statement in the report that you have excerpted from the report itself where it indicates officers were directed to return to the control center for new assignments at 6:45.

So, I don't know what was going on there on site. I wasn't there.

Q Well, would it be correct to assume that the incident had been reported and there was a response in progress at that time?

A Evidently, yes.

Q It -- would not one of the first things that one would do in this situation would be to lock up the institution?

A That depends on the judgment made on site. That's for the officer in charge of the institution to decide when to do that.

Q Turning to Page 5, the first paragraph in the second column states: The head count could not be completed at this time as small groups of inmates were still being returned to their cells from distant locations, because there

#4 SueWalsh |

1 was no functioning loudspeaker or other system to communicate
2 clear instructions to everyone. Also a group of officers was
3 dispatched to investigate rumors that inmates were seen on
4 the institution roof, out in the yard and elsewhere.

5 Do you have any comment on that particular state-
6 ment?

7 A Well, we presently --

8 JUDGE HOYT: Wait a minute. Mr. Love, this
9 witness is not here to comment. This witness is here to
10 testify. If he has some testimony that is germane to these
11 issues that we are litigating, that's one thing.

12 But a comment is not an appropriate question in
13 these proceedings.

14 MR. LOVE: Well, my point is this, Ms. Chairman.
15 This was a prior emergency situation at the State Correctional
16 Institute at Graterford, and I believe that the length of time
17 that it took to lock-down the institution at that point and
18 time may be relevant to how long it might take to lock-down
19 the institution given an emergency at Limerick.

20 JUDGE HOYT: Mr. Love, this witness has already
21 told you he was not aboard at the time. So, he does not
22 have any direct knowledge of this incident.

23 If you had another witness on this, perhaps. But
24 this witness is certainly not qualified to testify.

25 MR. LOVE: All right. I will move on.

-SueWalsh1

JUDGE HOYT: Very well.

2 BY MR. LOVE: (Continuing)

3 Q Superintendent Zimmerman, were you asked to bring
4 the log book entries of the various cell blocks during prior
5 emergency situations during your tenure as Superintendent of
6 the State Correctional Institute at Graterford?

7 A No.

8 Q You were at no time requested to produce log books?

9 MR. OTTO: If I may, Madam Commissioner, I spoke
10 with other officials at the State Correctional Institution
11 at Graterford regarding Mr. Love's request for his log books
12 and were informed by them, particularly the Deputy Superin-
13 tendent for Operations who would know about these, that they
14 don't exist.

15 So, I'm kind of surprised about this question.

16 JUDGE HOYT: Let me see if I can reconstruct
17 this then, Mr. Otto.

18 Is it your position, Mr. Love, that you had re-
19 quested these logs of Mr. Otto, and you had expected this
20 witness to have these. And you, subsequent and prior to this
21 hearing, if I understand you correctly, Mr. Otto, you
22 advised Mr. Love that those books were not available because
23 they did not exist?

24 MR. OTTO: That's correct. And the memorandum
25 that has been already marked as Graterford Inmates 2, was one

#10-SueWalsh

of the documents produced for Mr. Love to provide him information regarding prior emergency incidents at Graterford. He had a list of five. And we have provided information regarding all five of them.

MR. LOVE: May I respond?

JUDGE HOYT: Yes.

MR. LOVE: After our conference call of June 18th, I attempted to conduct a limited discovery in the form of two requests, one made June 20th, 1985 to Zori Ferkin, and the subsequent letter dated July 8th, 1985 to Mr. Otto.

During both letters I requested information, log book entries and any memorandum regarding how long it took to complete the lock-downs during five or six prior emergency situations. To date, I have received one piece of information that gives me what I requested. And that is P-2, which I have already discussed.

JUDGE HOYT: Now, let me ask you this, Mr. Love. Did you receive any explanation as to why you had not received the others?

MR. LOVE: I initially received an explanation that there was no such thing as a log book for the entire institution. I discussed it with inmates who stated that it was their understanding that there were log books for each of the various cell blocks; thus, I wrote a second letter on July 8th requesting that this information be made available

4-11-SueWals

today.

2 MR. OTTO: I never received any letter from Mr.
3 Love dated July 8th, first of all. And, additionally, Mr.
4 Love did pick up a packet -- well, I had a packet of informa-
5 tion delivered to Mr. Love in Harrisburg, since that's where
6 he was at the time, containing memorandums regarding the
7 five incidents. And I know he received them because I saw
8 the documents that I had sent to him at the deposition of
9 Major Case.

10 Now, those documents contained the information
11 you requested as best we have it regarding essentially lock-
12 down times in other emergency situations.

13 JUDGE HOYT: Mr. Love, if there aren't any logs,
14 there aren't any logs.

15 MR. LOVE: Initially -- can I submit as P-4 my
16 letter of July 8th to Mr. Otto that he claims he never re-
17 ceived?

18 JUDGE HOYT: Let me see what you have there, Mr.
19 Love.

20 (Mr. Love hands a document to Judge Hoyt.)

21 All right. Mr. Love, tell me how this letter was
22 posted, if you recall?

23 MR. LOVE: It was posted by regular mail.

24 JUDGE HOYT: Did you post it by registered mail?

25 MR. LOVE: Regular. Excuse me, regular mail.

4-12-SueW 1

JUDGE HOYT: You posted it by regular mail?

2

MR. LOVE: That's correct, Your Honor.

3

4

JUDGE HOYT: You have no return receipt or any registration or any documentation?

5

MR. LOVE: No, I do not, Your Honor.

6

JUDGE HOYT: All right. Yes, Mr. Otto.

7

MR. OTTO: One additional point. Mr. Love and I did discuss the possibility the letter would be coming to me regarding some additional information. It was done while we were in Washington, D. C. doing another deposition on a potential witness.

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And it was -- obviously, if Mr. Love had said the letter was on its way I would certainly have called him had I known if it didn't show up. But I was under the impression that he had gone back to his office to stop the letter, since our conversation at that deposition indicated to me that he was mistaken in not receiving a second page essentially of this memorandum that has already been offered as P-2.

19

20

21

And I informed him he had gotten the second page. He realized that in his file at that time. And, therefore, we -- I was under the impression the matter was resolved.

22

23

24

25

MR. LOVE: If I may quote from the first line: I am writing to you as a follow-up to our conversation in Washington, D. C. on July 3rd, 1985 and to my previous discovery request concerning the data during prior emergency

4-13-SueW 1 situations at SCIG.

2 JUDGE HOYT: Mr. Otto, let me inquire of you.

3 At the meeting in Washington on July 3rd, did you tell Mr.
4 Love that these logs did not in fact exist?

5 MR. OTTO: My recollection is that we spoke earlier
6 regarding the existence of these logs. And I had told him
7 earlier that they did not exist to my knowledge.

8 JUDGE HOYT: Earlier than July 3rd?

9 MR. OTTO: Yes, ma'am. To my knowledge, and based
10 on my information and belief, they did not exist.

11 JUDGE HOYT: Do you recall whether or not he
12 inquired of you on July 3rd again about these logs? And did
13 you then give him the same response?

14 MR. OTTO: At July 3rd, the primary focus of Mr.
15 Love's concerns was regarding the second page of the memo-
16 randum that has already been admitted.

17 JUDGE HOYT: Mr. Love, regardless of the letter,
18 whether it was or was not received, if the logs do not exist,
19 the logs --

20 MR. LOVE: Could I ask Superintendent Zimmerman
21 if they exist --

22 JUDGE HOYT: You sure may.

23 MR. LOVE: -- with respect to the cell blocks?

24 JUDGE HOYT: Can you enlighten us, Mr. Superintendent?

25 WITNESS ZIMMERMAN: There are books that the

4-14-SueW1

Lieutenants keep on the blocks. But, to my knowledge they do not document any such incidents. They are done by separate memorandum.

These books are block logs, and they are kept for repair work on the blocks, maintenance of the blocks, shake-downs, things of this nature, inmates that have been given warnings about their behavior or the condition of their cells.

JUDGE HOYT: How about emergency lock-downs?

WITNESS ZIMMERMAN: Emergency lock-downs would be logged in separate memos and extraordinary occurrence reports, but to my knowledge not in the block log.

JUDGE HOYT: All right, Mr. Otto. With that explanation, do you know whether those logs exist or not?

MR. OTTO: The information requested by Mr. Love was regarding lock-downs during emergency situations. And I specifically asked whether log books of that type of information were kept and was informed by the staff at Graterford that they do not exist, and that the only way -- in fact, it was exactly what Superintendent Zimmerman testified to, that the way that we keep track of emergency situations, lock-downs, et cetera is by way of separate memorandums which have been provided to Mr. Love.

MR. CONNER: If the Board please, as a matter of enlightenment at this point in the record, during the deposition

4-15-SueW 1 of Major Case the letter which is identified as Exhibit 3
2 to that deposition is a letter to Mr. Love from Mr. Otto
3 which points out essentially what was just said. There are
4 no logs as to lock-downs in emergencies. And that was the
5 information communicated in this letter.

6 And I think that because of this date of June 27th
7 it may be well to appear in the transcript at this point.

8 JUDGE HOYT: Very well. I think you have a good
9 point, Mr. Conner. Maybe we should include that in the
10 record at this point.

11 MR. CONNER: It is attached. We, at the deposi-
12 tion of Major Case, agreed that the whole thing could be
13 offered as an exhibit. Since that is identified as Exhibit 3
14 there --

15 JUDGE HOYT: Are you going to offer that later,
16 Mr. Love, the entire deposition of Major Case?

17 MR. LOVE: I have no objection to that.

18 MR. CONNER: At the deposition, it was identified
19 as Applicant's Exhibit 3.

20 JUDGE HOYT: All right. Are you going to offer
21 it, then?

22 MR. CONNER: July 1985. So I will offer it now
23 so that there be no confusion about the matter.

24 JUDGE HOYT: Very well. That may be the best
25 procedure to adopt at this point. Any objection by any

1-16-SueW 1

counsel? Mr. Love, you said you didn't have any?

2 MR. HASSELL: No objection.

3 JUDGE HOYT: Fine. Ms. Ferkin?

4 MS. FERKIN: No objection.

5 JUDGE HOYT: All right. Mr. Conner, do you
6 have additional copies of that?

7 MR. CONNER: We will have them. Everybody at the
8 deposition got these. Unfortunately, I only have this one
9 copy. I assume the transcript of the deposition was sent to
10 the Board but I don't know that it got there or not.

11 JUDGE HOYT: It didn't get there, Mr. Conner.
12 I never have seen this deposition.

13 MR. CONNER: We will make copies of the exhibit
14 tonight and make it available to the Board. Had I known it
15 was going to come up this way, I would have done so.

16 JUDGE HOYT: We will admit it at this point in
17 the record, however.

18 Mr. Conner, can I prevail upon you to see if you
19 can get some copies done overnight?

20 MR. CONNER: Sure.

21 MR. HASSELL: The staff has an extra copy should
22 the Board desire one now.

23 JUDGE HOYT: We would appreciate it, Mr. Hassell.
24 That may be also your explanation on your July 8th letter,
25 Mr. Love. They just don't get delivered.

4-17-SueW 1

2 The deposition that we will admit into evidence
3 is that of Major Case, and it's the entire deposition with
4 all exhibits attached.

5 MR. CONNER: If the Board please, I have no
6 objection to the Board taking that entire deposition at
7 this point. But we are only offering that one letter to
8 clarify the colloquy between Mr. Love and Mr. Otto. I
9 certainly would not want to be in the position of offering
10 to sponsor Major Case's testimony.

11 JUDGE HOYT: Well, I took it to be the one letter
12 of Mr. Love which is attached as Appendix 3 I believe, isn't
13 it, the letter to Mr. Love from the Department of Corrections,
14 signed by Mr. Otto, dated June 27th, 1983, a letter that had
15 been attached as an appendix to the deposition of Major Case
16 then will be attached to the record at this point.

17 MR. LOVE: Does that letter include the inclosures
18 or is it just the letter itself?

19 JUDGE HOYT: Let me fully describe it, Mr. Love.
20 It's a two-page letter dated June 27th, 1985, addressed to
21 you at your office in Morristown, Pennsylvania, entitled
22 "In the Matter of Philadelphia Electric Company (Limerick
23 Generating Station, Units 1 and 2), Dockets No. 50-352 and
24 50-353."

Sim 5-1

1 JUDGE HOYT: If you wish to see the copy that the
2 Board has before it, you may do so if you wish.

3 MR. LOVE: That is quite all right, Your Honor.
4 I have a copy.

5 JUDGE HOYT: Very well. All right, with that
6 explanation then would you continue your crcss-examination,
7 Mr. Love.

8 MR. LOVE: Thank you.

9 BY MR. LOVE:

10 Q Just one further question on the log book. Are the
11 daily log books kept by the Lieutenants on the block or the
12 Captains?

13 A Lieutenants.

14 Q Lieutenants on the block. Are you stating to me
15 that if there was a potential for a meltdown at the Limerick
16 facility and you were given orders to evacuate the prison that
17 this sort of information would not appear in the daily log
18 books?

19 A That is correct.

20 Q And that there would be no evidence that the lock-down
21 was called or anything of that nature?

22 A They are not used for that purpose.

23 Q Now do you have copies of the documents that
24 Mr. Otto did send to me regarding the prior lock-downs?

25 A The one you handed me.

Sim 5-2

1 Q But you don't have any of the other material?

2 A No, I don't.

3 Q There were several additions to the letter
4 regarding the request for information. I don't have copies
5 of them, but I believe that all the parties do have them,
6 which I would like to refer to if I could.

7 JUDGE HOYT: Do you have a copy for the Board,
8 Mr. Love? We do not have those.

9 MR. LOVE: I don't have it at this time.

10 JUDGE HOYT: All right then. Go ahead.

11 BY MR. LOVE:

12 Q Well, let me withdraw that.

13 In my second letter I mentioned another power
14 failure that occurred during the week of February 23rd, 1984.
15 Do you remember that incident?

16 A Yes, I do.

17 Q Do you recall what time of day the power failure
18 occurred?

19 A I think that one occurred after dark, but I can't
20 be positive.

21 Q And was this after you got the backup lights, or
22 prior to?

23 A Prior to.

24 Q And did you have to give a lock-down order at
25 that time?

Sim5-3

1 A We did lock up the institution at that time.

2 Q And do you recall approximately how long it took
3 for you to achieve that?

4 A It took a while because we had to wait for
5 emergency generators and lighting to be set up by the
6 Skipak Fire Department to respond to our call for help. Again,
7 it was total blackness.

8 Q I see. When you mentioned a while, are we talking
9 a few hours or ten hours?

10 A No, it wasn't anywhere near ten. It might have
11 been, oh, I don't know -- I don't remember specifically.

12 Q An hour or two hours?

13 A Two maybe, a ball park figure. If you have the
14 document there, maybe it tells you.

15 Q I don't have any. That was my unanswered letter
16 of July 8th.

17 MS. FERKIN: Your Honor, I move to strike the
18 last remark.

19 JUDGE HOYT: Yes. Mr. Love, I think there has been
20 sufficient explanation. That is an inappropriate remark and
21 it will be struck.

22 MR. LOVE: Fine.

23 BY MR. LOVE:

24 Q Were there any other power failures that you can
25 recall?

Sim 5-4

1 A I think we had a rash of them at that time and
2 maybe a total of three altogether that were total.

3 Q Did the same problems occur on all three, if you
4 recall?

5 A Until we finally got our emergency lighting, yes.

6 Q I see. When did you get the emergency lighting?

7 A Right after the last one. I mean we finally
8 convinced everybody of the need and the money had to be spent
9 and we finally got them and we got them installed and they
10 have been operating very successfully.

11 Q In light of this testimony that you have given,
12 do you still believe that you can achieve a lock-down in 30
13 minutes?

14 A Oh, yes.

15 Q Now moving on to the segment with regard to the
16 vehicle time estimates, you have stated in your flow chart
17 that the vehicles could arrive at the institution between
18 two and four hours, and that under adverse conditions in
19 four to six hours. Is that correct?

20 A Yes.

21 Q And the vehicles we are talking about are 58
22 buses, 3 ambulances and 10 vans; is that correct?

23 A Those are the figures that we have there, yes.

24 I don't have direct knowledge of the exact amount needed. It
25 is all according to the plan.

Sim 5-5

1 Q Are your time calculations for the arrival of the
2 buses based upon past experiences?

3 A They are based upon traveling time that we have
4 experienced with vans and buses in the past, yes.

5 Q Okay. And how far would those vans be coming
6 from, or buses, excuse me?

7 A I think the furtherest is about four hours away.

8 Q And how many miles would that be?

9 A I am not sure offhand. I think maybe a hundred
10 and something, in the high hundreds.

11 Q All right. Just to speed things along, the
12 exhibit that was just introduced by Mr. Conner I believe
13 indicates that the distance is 190 miles at its farthest
14 point; is that correct? Can we stipulate to that?

15 MS. FERKIN: Yes. The Commonwealth would stipulate
16 to that figure of 190 miles as being the distance, the
17 farthest distance that the buses would have to travel.

18 JUDGE HOYT: Very well. Any objections from
19 any other party?

20 (No response.)

21 None having been heard, the stipulation will be
22 accepted.

23 BY MR. LOVE:

24 Q Now this 190-mile distance factor, was this
25 utilized in past exercises when you had the buses coming

Sim 5-6 1 in?

2 A We never actually brought buses in on exercises.
3 This is based upon actual travel time when we transport inmates
4 for other reasons.

5 Q Okay. Now that actual travel time, is that under
6 normal conditions?

7 A All kinds of conditions. We transport inmates
8 year round in all kinds of weather and all kinds of traffic
9 and all times of day and night.

10 Q Does it include simultaneous evacuation of the
11 general public due to a nuclear emergency?

12 A No.

13 Q Do you anticipate that the corresponding simul-
14 taneous evacuation of the general public will cause any
15 problems for the vehicles entering the EPZ and arriving at
16 the State Correctional Institute at Graterford?

17 A No.

18 Q You anticipate no problems whatsoever?

19 A No.

20 Q Are you assuming then that the general public
21 will evacuate in an orderly fashion?

22 A I am not making any such assumption. I just know
23 that by the routes traveled and the directness of them and
24 the way that we have practiced and gone over the road that I
25 don't see any problem at all.

Sim 5-7

1 Q You don't see any problem with the people leaving
2 the area?

3 A No.

4 Q Now you mentioned at some point that these
5 buses ---

6 A Wait. Let me back up on your last question. You
7 said with the people leaving the area.

8 Q The general public.

9 A In working with the various management agencies
10 and everything, you know, we are using routes and ways that
11 make it most efficient for us and do not hit any major areas,
12 and with the time involved for the buses to get there, because
13 of all of those factors, I don't foresee any problems. Now
14 whether there are going to be problems with the populace
15 leaving the area or not, I don't know.

16 Q I see. So you haven't really calculated that
17 into the formula; is that correct?

18 A That isn't in my area of responsibility; that is
19 correct.

20 JUDGE HARBOUR: Excuse me, a point of clarifi-
21 cation. You said you didn't have any problem with, or you
22 didn't understand the problem or you weren't involved in the
23 problem of the evacuation of the general public. Were you
24 referring to difficulties of the public evacuating or possible
25 interference with your buses?

Sim 5-8

1 THE WITNESS: Basically the public evacuating.

2 BY MR. LOVE:

3 Q Now you state at some point in your testimony that
4 the buses would go from the bus companies that have been
5 contracted with to a support center and then to the
6 institution; is that correct?

7 A Did I state that in my written testimony?

8 Q I read that somewhere.

9 MS. FERKIN: Mr. Love, we would appreciate a
10 direct reference.

11 MR. LOVE: All right. Excuse me one second.

12 (Pause.)

13 On page 4, Question No. 13. "Turning to vehicle
14 arriving portion of the flow chart, can you describe how
15 you arrived at these figures?"

16 "Yes. We travel these routes regularly with our
17 buses and vans when moving from one facility to another and
18 we used what we considered to be the most reasonable figure.
19 If we would have gradual entry into an emergency situation,
20 we would have already had buses on site at Graterford. On
21 the other hand, if we have a rapidly developing incident,
22 it may take between one to three hours for the bus companies
23 to get their vehicles to the support facilities and then
24 travel to Graterford."

25 Does that refresh your recollection?

Sim 5-9

1 THE WITNESS: Yes.

2 BY MR. LOVE:

3 Q So when you say 190 miles, that they are coming
4 from as far as 190 miles away, would it be safe to assume
5 then that the total travel distance would be in excess of
6 190 miles in that they have a stop to make at a supporting
7 institution?

8 A Not to my knowledge.

9 Q And can you explain that?

10 A Because the vehicles are arranged for at the
11 support institutions, and I don't have direct authority over
12 that and how that is done. But to my knowledge, the time
13 that I am informing you of and the distance that I am informing
14 you of is the distance and time that we would use.

15 Q I am not sure I understand. Are you saying that
16 bus companies are near support institutions?

17 A That is correct.

18 Q But they would first have to stop at that support
19 institution; is that correct?

20 A That depends on the specific situation. I believe
21 that there are some instances when the bus company drivers
22 would drive the buses and there may be some situations where
23 correctional personnel would drive the buses.

24 Q But in either instance they would have to stop
25 at the support institution prior to coming to Graterford;

Sim 5-10

1 is that correct?

2 A I don't know that. I am not involved in that
3 part of the plan.

4 Q I see. Then I take it you have no idea how long
5 they would also be stopping at these support institutions?

6 A I have no direct knowledge of that.

7 Q Well then how can you say that the buses will be
8 there within two to four hours?

9 A Because I am made aware of how long it takes us
10 once we call for the buses to get there. I have been given
11 that information.

12 Q But that does not take into consideration a stop
13 at the support institution?

14 A I don't know if it does or it doesn't.

15 Q Who does?

16 A The support institution superintendent I would
17 imagine.

18 Q I see. Have you taken into consideration in this
19 two to four hour estimate the time that it would take to
20 contact the individual drivers and for the individual drivers
21 to get to the buses? Was that calculated into this two to four
22 hour time frame?

23 A Yes, it is.

24 Q And how long is that estimated to be?

25 A I didn't break that down.

Sim 5-11

1 Q I see. That is just all ---

2 A Again, that is support institution functions.

3 Q Now you state that it is four to six hours under
4 adverse conditions. What do you mean by adverse conditions?

5 A Heavy snows.

6 Q So we are talking weather when we talk about
7 adverse conditions?

8 A Yes.

9 Q And how heavy a snow has been contemplated by you
10 in this situation?

11 A Oh, anything that we have traveled. We have
12 traveled year round.

13 MR. LOVE: I have nothing further with respect
14 to that issue.

15 I would now like to move on to the off-duty
16 personnel called within one to two hours and in adverse condi-
17 tions two to three hours; is that correct?

18 A Yes.

19 Q What factors did you utilize in coming up with
20 the one to two-hour estimate?

21 A We periodically run tests of our emergency plan,
22 and when we do we activate our call-in system. It is based
23 upon our experiences with those tests as well as with former
24 emergencies when people come to the institution.

25 In actuality people start arriving at the institution

Sim 5. 12

1 almost immediately.

2 Q Now when you have tested this call-up system, was
3 there ever a simultaneous evacuation of the general public
4 going on at the same time?

5 A No.

6 Q Now when you have utilized this call-up system
7 for past emergency situations Graterford, was there ever
8 a simultaneous evacuation of the general public going on at
9 the same time?

10 A No.

11 Q Could you explain the call-up system and how it
12 works?

13 A We have kind of a pyramid structure, and there
14 is a list of personnel that are called by the shift commander
15 or whoever is designated to call from the facility itself.
16 They in turn call "X" number of other people and it is almost
17 like a chain letter and eventually everyone is contacted ---

18 JUDGE HOYT: Just a moment, Mr. Love.

19 Go ahead, Ms. Ferkin.

20 MS. FERKIN: Well, I think the Board may be
21 anticipating an objection I might have made on one or two
22 questions down the road. I was going to object based on
23 Mr. Love's further questioning on this area. I was thinking
24 of objecting that it was outside the scope of the admitted
25 contention.

Sim 5-13

1 JUDGE HOYT: Yes, I think you are correct,
2 Ms. Ferkin.

3 Mr. Love, I think that was one of the other
4 bases that the Board in its order of June 12th had rejected.
5 I am recalling again for you the the basis of the litigation
6 before this Board today, and indeed this week. The estimated
7 time of evacuation bases, and that is bases "e", and this
8 deals with the methodology of the computation for that time,
9 and I don't believe that this is germane to that issue.

10 MR. LOVE: If I may respond, Your Honor.

11 JUDGE HOYT: Yes.

12 MR. LOVE: It is my understanding that Superin-
13 tendent Zimmerman has indicated in his methodology regarding
14 the overall estimated time of evacuation that off-duty
15 personnel can be called and will arrive within one to two
16 hours. This is what my questions pertain to.

17 JUDGE HOYT: Do you have anything further,
18 Ms. Ferkin:

19 MS. FERKIN: Your Honor, I did not object
20 initially because Mr. Love simply asked for an explanation
21 of the call-up system. If the question had gone much beyond
22 that, yes, I believe I would have entered an objection, but
23 the initial question I did not find objectionable.

24 JUDGE HOYT: All right.

25 Anything from any of the other parties?

Sim 5-14

(No response.)

JUDGE HOYT: The objection is sustained.

MR. LOVE: I am not sure I recall the question that was objected to.

Could you read that back?

(The question was read back by the reporter.)

BY MR. LOVE:

Q Will the call-up system rely upon the commercial phone lines?

MS. FERKIN: Now I am going to object, Your Honor. I think we are now delving into the subject matter of a contention that was previously denied.

JUDGE HOYT: Mr. Love, I think Ms. Ferkin is correct in that, and you have been told this a number of times in both the conferences that we had and I believe elsewhere in this record.

The objection is sustained.

MR. LOVE: Your Honor, I understand that I had a prior contention dealing with the call-up system. However, Superintendent Zimmerman has stated that he can get his personnel to the prison within one to two hours and he is relying upon a call-up system to do that, and I do not understand why I am not allowed to question him regarding the how and the factors that he has utilized in coming to this decision. I think it is relevant to this issue.

sim 5-15

JUDGE HOYT: Mr. Love, the objection has been sustained.

MR. LOVE: Please note my objection for the record.

JUDGE HOYT: Proceed.

BY MR. LOVE:

Q Now Superintendent Zimmerman, as you stated earlier with respect to the vehicles entering the EPZ that you did not take into consideration the public's evacuation, would your answer be the same with respect to the mobilization of the manpower? I will rephrase that if you want me to.

A Maybe I had better clarify. The public evacuation was ---

JUDGE HOYT: Just a moment, Mr. Zimmerman. There is no question before you.

Now, Mr. Love, if you have a question, you may ask it. The witness is not going to volunteer answers for you.

MR. LOVE: I will gladly rephrase the question.

JUDGE HOYT: All right. Go ahead.

BY MR. LOVE:

Q Does your estimate of one to two hours to mobilize the off-duty personnel take into consideration the corresponding evacuation of the general public?

MR. CONNER: I object to that. There is no

Sim 5-16

1 foundation as to why one would affect the other, if at all.

2 JUDGE HOYT: Do you want to respond, Mr. Love?

3 MR. LOVE: I think that common sense dictates
4 that if you are going to bring in 700 individuals to the
5 State Correctional Institute at Graterford and you are going
6 to have an evacuation of the general public within a 10-mile
7 radius of the nuclear power plant, that they are indeed
8 relevant to each other. I think there is a potential for
9 on the highways and I think there is a potential for
10 accidents on the highways ---

11 JUDGE HOYT: Mr. Love, this is not a jury trial.

12 MR. LOVE: You asked me if I had a comment.

13 JUDGE HOYT: I asked you for a comment pertinent
14 to the issue, but not for a speech.

15 MR. LOVE: Fine.

16 JUDGE HOYT: Now if you want to have any legal
17 arguments, you may do so. However, the objection by
18 Mr. Conner was that you had not laid the foundation, and I
19 think perhaps you should lay the foundation for your question.

20 MR. LOVE: All right.

21 JUDGE HOYT: Go ahead.

22 MR. LOVE: I will attempt to.

23 JUDGE HOYT: Very well.

24 BY MR. LOVE:

25 Q Superintendent Zimmerman, who would give you the

Sim 5-17

1 order if you were going to evacuate the State Correctional
2 Institute at Graterford?

3 A I would get my direction from the Commissioner
4 of Corrections.

5 Q And am I correct in assuming that an evacuation
6 from Graterford would also be in conjunction with an evacuation
7 of everyone in the area?

8 A I am not sure I know that. I don't know. I am
9 not sure I can answer that question.

10 Q So you are saying that there is a chance that
11 Graterford may be evacuated, whereas the general public would
12 not; is that correct?

13 A I don't know that. I am responsible for Graterford,
14 and I got the order to evacuate Graterford, that is what I
15 would effect.

16 MR. LOVE: Your Honor, to save time and avoid
17 confusion, it is my understanding that during prior discussions
18 on these issues that there would be no evacuation of Graterford
19 unless there was an evacuation of the public and vice versa.

20 JUDGE HOYT: Mr. Love, your preparation of your
21 case, I take it, is perhaps missing some links, but it is not
22 going to be done at this hearing. If you don't know these
23 things, there is not much I can do to help you. You have been
24 given ample time for discovery and ---

25 MR. LOVE: I really haven't been given ample time,

Sim 5-18

1 Your Honor.

2 JUDGE HOYT: Mr. Love, the Board finds that you
3 have been given ample time. Now proceed.

4 MR. LOVE: And the Code of Federal Regulations
5 just ---

6 JUDGE HOYT: Mr. Love, proceed to your question,
7 and if you want to lay your foundation, go ahead.

8 BY MR. LOVE:

9 Q Superintendent Zimmerman, are you saying that
10 you don't anticipate a public evacuation when you are
11 evacuating the prison?

12 A No, I am not saying that.

13 Q Do you anticipate an evacuation?

14 A Probably, yes.

15 Q I see. So have you taken that into account when
16 you made up your flow chart and in particular the events that
17 will have to occur outside the institution that may be
18 affected by such an evacuation?

19 A Yes.

20 Q And you don't believe that they will have any
21 bearing upon the manpower mobilization or the vehicle
22 entry?

23 A I believe because of the way we have developed
24 our plan that it can work efficiently and effectively.

25 Q What do you base that belief on?

1 A Well, I think I am getting into an area that I
2 can't really discuss such as routes, how they were chosen and
3 specifics of call-ins and things of this nature.

4 Q I don't want to get into that either. It is just
5 that regardless of what route will be taken, there will
6 obviously be people evacuating; is that not correct?

7 A Not necessarily.

8 Q What do you mean by that?

9 A Well, there are time frames involved, and there
10 are areas where our traffic is staggered with other traffic,
11 and all of this has been taken into account. Does that answer
12 your question?

13 Q By whom?

14 A By the developers of the plan.

15 Q Other than yourself?

16 A That is correct.

17 Q Fine. Thank you.

18 Moving on to the section marked Vehicle Loading
19 Teams, just a few points of clarification on this.

20 Will the vehicle loading teams, you state they
21 will be assembled in one hour. Is that mutually exclusive
22 of the evacuation section that states 25 minutes for
23 securing and loading one man per minute. Are those functions
24 separate or would they be going on correspondingly?

25 A Could you repeat that. I am not sure that I

Sim 5-20

1 understand your question.

2 Q You say "Vehicle loading teams assemble at five
3 loading sites in one hour," and on the other side you say
4 "Evacuation 200 inmates Class 4 and 5 one minute per man."
5 I just want to understand what tasks are occurring
6 simultaneously and which ones are not, and I am asking if
7 you could explain these two events and how you foresee these
8 events occurring?

9 A The vehicle loading teams are assembled prior to
10 the loading of the inmates themselves. They are already in
11 place. They are occurring simultaneously with the population
12 count following lock-down.

13 Q So then they do not occur simultaneously with the
14 evacuation of the three classes of inmates; is that correct?

15 A They are already there then.

16 Q I see. All right, thank you.

17 So these vehicle loading teams, are they the
18 individuals that will be securing and loading the various
19 classes of inmates?

20 A They are the individuals who will be loading
21 the various classes of inmates.

22 Q So they will stay at the loading sites only
23 and they will not go into the cell blocks and secure the
24 inmates and move them to the loading sites?

25 A We have other means of doing that.

Sim 5-21 1

2 Q I see. How many personnel are going to be in
the loading teams, if you know?

3 MR. OTTO: I would have to object. I mean, this
4 is into a secure area going into numbers of manpower and things
5 like that.

6 JUDGE HOYT: I believe, Mr. Love, we are getting
7 very close to that point. Is this your last question in that
8 area and can you take a ball-park figure on this?

9 MR. LOVE: A ball-park figure would be fine,
10 Your Honor.

11 JUDGE HOYT: Is that agreeable with you, Mr. Otto?

12 MR. OTTO: Yes, Your Honor.

13 THE WITNESS: Could you repeat the question?

14 BY MR. LOVE:

15 Q A ball park figure on how big the loading
16 teams would be, how many personnel are involved?

17 JUDGE HOYT: Roughly, Mr. Zimmerman.

18 THE WITNESS: Are we talking total, Mr. Love,
19 for just loading or for one bus or what?

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1 Q Five loading sites. Vehicle loading teams
2 assigned to five loading sites. How many would be assigned
3 to each site?

4 JUDGE HOYT: Mr. Love, I think that is getting
5 to the very heart of what Mr. Otto's objection was.

6 MR. LOVE: This isn't crucial to my case. I
7 will be happy to move on.

8 JUDGE HOYT: Very well.

9 BY MR. LOVE: (Continuing)

10 Q Is it true that the Class I inmates would be
11 loaded prior to anyone else being loaded?

12 A Did I say that somewhere? I don't think so.
13 I don't think that is necessarily the sequence of events.

14 Q Superintendent Zimmerman, could you explain
15 the order of sequence that the inmates will leave the
16 institution?

17 A As they are loaded.

18 Q And would I be correct in assuming then whoever
19 gets there first -- whatever vehicle gets there first would
20 be loaded first?

21 A Well, it depends on its destination. We could
22 have various class of inmates being loaded simultaneously,
23 because we do have different areas of the institution for
24 the different class of inmates.

25 Q Then I was incorrect when I stated that the

1 Class 1.

2 A That is why I questioned it, yes.

3 Q Fine, thank you for clarifying that. Now,
4 you state that, for example Class III inmates, there are
5 2,125 Class III inmates.

6 You state one minute per man, five hours ten
7 minutes total. Can you give us a little more information
8 on how you came up with that figure?

9 A Well, we secure inmates every day -- we move
10 inmates every day, and based upon our experience, we put
11 together those figures, and then we simply added together
12 the amount of time it would take for one inmate, for
13 2,125 inmates.

14 That is how we came up with those figures.

15 Q Now, when you say the average time for one
16 inmate, what -- time to do what?

17 A To secure him with the appropriate security device.

18 Q So, would that mean go to his cell, open his
19 cell, secure him with the appropriate security device,
20 and then send him to the loading site?

21 I don't understand. My question is this: How
22 -- assuming that I have this correct -- the cell has to be
23 opened. The individual has to be secured, and then the
24 individual has to be transported to the loading site, how that
25 all can occur in one minute?

1 A I am trying to answer your question without
2 compromising --

3 Q Take your time.

4 A Information. Privileged information. I refer
5 to it on page 6 of my direct testimony.

6 At the top paragraph. In about the middle,
7 it says: All our staff who would be involved in moving
8 these inmates have been trained in the use of the security
9 equipment, and use it on a regular basis. We designated
10 special teams that go on the blocks.

11 The numbers are determined by the size of the
12 blocks and the amount of security needed. The teams
13 effectively remove the inmate from his cell, apply the
14 appropriate security device, and see him on his way to the
15 appropriate staging area.

16 The teams can move from cell to cell because
17 we will have officers running a line from the block that is
18 being evacuated onto the staging area. The inmate will be
19 directed to go and follow that line of officers so that the
20 inmates in effect will be walking to the staging areas or
21 boarding the busses in a smooth, uninterrupted flow.

22 Q With respect to the last sentence, where in
23 your flow chart is the time frame for that event -- to take
24 it into consideration? In other words, the going from the
25 cell to the loading site?

1 Is that in the one minute?

2 A Yes.

3 Q It is.

4 A I am using the one minute into the cell secure
5 on the way -- into the cell secure on the way. One minute;
6 one minute; one minute.

7 If it takes him three minutes to walk from
8 the cell to the staging area, then three minutes later that
9 first inmate is ready to board the bus and be staged, and
10 consequently so on down the line.

11 Q Where do you say three minutes in your flow
12 chart?

13 A It is not three minutes, because each minute
14 means each inmate is being secured and sent. So, three
15 minutes later Inmate No. 1 is arriving at the bus, one minute
16 later Inmate No. 2, one minute later Inmate No. 3, so, there-
17 fore, it is one minute, and the only difference is at the
18 end of the line it will be three minutes later for the last
19 inmate to board the bus than it was for him to leave his
20 cell.

21 Q So you put an extra three minutes on at the
22 end, is that what you are saying?

23 A At one minute per man for one man, I think we
24 just figured in the one minute per man.

25 We didn't count in the three minutes it takes

1 to walk to the area.

2 Q Is that a pretty accurate estimate of how long
3 it might take to walk from the end of a cell block to one
4 of these areas?

5 A I just came up with that figure.

6 Q Could you -- after giving it some thought, would
7 you still stick with the three minutes?

8 A I would say it was less.

9 Q With respect to the Class 4 and 5 inmates, you
10 indicate 25 minutes total, is that correct?

11 A Yes.

12 Q And you have 200 of those individuals, is that
13 correct?

14 A Yes.

15 Q Are these the least secure persons, or the
16 most --

17 A Most responsible individuals, requiring the
18 least amount of security.

19 Q Now, with respect to the more secure individuals,
20 the Class 1 and 2 inmates, these classification figures, these
21 are figures that you use throughout the institution on day-
22 to-day activities, is that correct?

23 A Yes.

24 Q And these 1 and 2 level inmates would be your
25 more dangerous inmates, is that correct?

1 A Dangerous security risks, escape risks.
2 Disciplinary problems. Administrative custody.

3 Q And you anticipate five minutes per man, is
4 that right?

5 A That is correct.

6 Q And how did you get to the two hours and six
7 minutes total on that?

8 A Well, again, we are talking of 125 inmates at
9 five minutes per man, and because of where they are we can
10 be securing them simultaneously.

11 They don't have to be individually done.
12 There are separate areas for these inmates, these class of
13 inmates.

14 Q Would I be correct in assuming that you have
15 sufficient manpower -- that you have calculated that you have
16 sufficient manpower to conduct the loading of three types of
17 inmates, and also be doing many at a time in all three types
18 of inmates?

19 A Yes.

20 Q And would it be necessary to go beyond use of
21 just correctional officers to achieve these tasks?

22 If all things worked well.

23 A To secure the inmates?

24 Q Yeah.

25 A No.

1 Q So, the correctional staff could do that?

2 A Yes.

3 Q What is the figure that you used, the population
4 number that you used to develop this flow chart?

5 A It looks like 2,450.

6 Q What is the current population today?

7 A I believe today we are at 2,500 -- right around
8 2,500.

9 Q Is it true that the population has been increasing
10 significantly since you took over the job?

11 A I don't know what you mean by significantly.
12 Our population has been climbing.

13 Q And do you have any approximate figures on how
14 fast it has been climbing?

15 A I think about ten percent.

16 Q Is this figure ten percent per year?

17 A Yes.

18 Q And is it anticipated that that figure would
19 continue?

20 A Actually, we are anticipating it tapering
21 off.

22 Q I believe I am up to P-5, is that correct?

23 JUDGE HOYT: I don't know, Mr. Love. We have
24 three -- Graterford Inmates Exhibit 3 for identification
25 and the report of the panel.

1 MR. LOVE: So my July 8th letter that was
2 mysteriously lost in the mail, I think, was four.

3 JUDGE HOYT: Do you want that marked --

4 MR. LOVE: Four, yeah.

5 JUDGE HOYT: It is marked merely as an Exhibit,
6 Mr. Love. It is not -- this witness can't sponsor that.
7 I will be happy to mark it for you if that is what you want
8 to do.

9 MR. LOVE: Correct.

10 JUDGE HOYT: Correct, what, sir?

11 MR. LOVE: I would like it marked.

12 JUDGE HOYT: Thank you. Correct me if I am
13 wrong, then, it is Graterford Exhibit 4 for identification,
14 which is the letter purportedly from you to Mr. Otto. There
15 is no five, is there? As far as I know.

xx INDEX

16 (Above referenced document
17 is marked Graterford Exhibit No. 4
18 for identification.)

19 MR. OTTO: If I may, Judge Hoyt, on the second
20 page of the letter marked as 4 for identification, the date
21 at the top of the letter is July 9th rather than July 8th,
22 1985.

23 JUDGE HOYT: That is on the second sheet, Mr.
24 Otto. The first sheet has July 8th. I don't know whether
25 it is July 8th or July 9th, but the first sheet has July 8th

1 on it.

2 MR. OTTO: It may be in my office today.

3 MR. HASSELL: May I inquire, please, for
4 purposes of clarification of the record, Judge Hoyt.

5 JUDGE HOYT: Surely.

6 MR. HASSELL: I am not sure what Graterford
7 Inmates Exhibit No. 4 consists of. Is it a two pages, or
8 one page?

9 JUDGE HOYT: The document submitted to me that
10 I have marked for identification as Graterford Exhibit No. 4
11 is two pages, a letter purported from Mr. Love to Mr. Theodore
12 G. Otto, III, Esquire, on page 1, dated July 8th 1985; on
13 page two, dated July 9th, 1985.

14 The copy that I have before me is not signed
15 and it is a copy of this letter on page 2-CC to Zeri Ferkin,
16 Esquire.

17 MR. HASSELL: Thank you, Judge Hoyt.

18 MS. FERKIN: Your Honor, for the record I would
19 note that as the letter on page 2-CC to me, I have not
20 received a copy of this letter.

21 JUDGE HOYT: That was my question to you, also,
22 when I realize that CC had been on there, Ms. Ferkin. Thank
23 you.

24 All right, Mr. Love, are you ready to proceed?
25 Let me inquire of you at this point how much more cross

1 examination of this witness do you have?

2 MR. LOVE: Very little.

3 JUDGE HOYT: All right, we would like to
4 schedule an afternoon break for purposes of -- various
5 purposes. I will put it that way.

6 MR. LOVE: Two more issues to cover and we will
7 be through. Should I continue?

8 JUDGE HOYT: Two more issues. Do you anticipate
9 that they will be very long?

10 MR. LOVE: No.

11 JUDGE HOYT: Fine. Let's give it a try. Go
12 ahead.

13 BY MR. LOVE: (Continuing)

14 Q I refer to your -- what has been marked P-5,
15 A Strategy to Alleviate Overcrowding in Pennsylvania's Prisons
16 and Jails. Report of the Pennsylvania Commission on Crime
17 and Delinquency's Prison and Jail Overcrowding Task Force.

18 Once again, I have condensed this document which
19 I do have; for anyone who wants to inspect the entire document,
20 I have it available.

21 I have condensed it to the relevant portions that
22 I would like Superintendent Zimmerman to discuss.

23 JUDGE HOYT: I would like the Superintendent to
24 have before him the original, Mr. Love, if you are going to
25 have him testify from the document.

1 MR. LOVE: Certainly.

2 (Mr. Love hands document to the witness.)

3 BY MR. LOVE: (Continuing)

4 Q Now --

5 JUDGE HOYT: I would like for the record to
6 also reflect that the document has been shown to counsel for
7 the Commonwealth of Pennsylvania prior to being handed to the
8 witness.

9 BY MR. LOVE: (Continuing)

10 Q Now, with respect to page 36, and a corresponding
11 chart on page 34, states: Admissions to the Department rose
12 38 percent in 1979 to 1983.

13 Based upon your observations during that period,
14 would you say that is a correct figure?

15 A Yes.

16 Q And the chart on page 2, which indicates the
17 future -- Department of Corrections Present and Projected
18 Population and Capacity, which states approximately on 12/83
19 there was slightly under ten thousand individuals; 12/84,
20 there was approximately ten thousand individuals within the
21 Pennsylvania State System; 12/85 going up to -- almost eleven
22 thousand, and then 12/86 going up almost to twelve thousand,
23 and then 12/87 going up maybe thirteen-five.

24 Would that -- do you agree with those figures?

25 A The population or the capacity figures?

1 Q The population figures.

2 A The population figures --

3 Q Oh, excuse me. I was -- I stand corrected. I
4 was referring to the capacity figures. Population figures,
5 roughly 12/83, twelve thousand; 12/84, maybe twelve-fifty;
6 12/85, a little over fourteen; 12/86, perhaps fifteen,
7 -- would that be roughly accurate of the population growth
8 in the State system?

9 A The population growth as far as projections go,
10 yes.

11 Q And would it be safe to say that a similar
12 growth would occur at Graterford?

13 A No.

14 Q Would it be safe to say that the growth at
15 Graterford is anticipated to be more than that?

16 A No.

17 Q Isn't it now true that you have construction
18 underway for an additional five hundred cell facility?

19 A Yes.

20 Q When is that going to be opened?

21 A It is scheduled to be opened in 1988.

22 Q And what would the population at Graterford
23 be according to your figures around that point in time?

24 A We estimate that it would be pretty close to
25 where we are now, maybe a little bit more.

1 Q You do not anticipate any further increases
2 in the population of Graterford at this date?

3 A With the support of Department of Corrections,
4 and the Commissioner's Office, we are attempting to keep the
5 Graterford population at minimal growth levels.

6 Q Do you personally have any control over that
7 population?

8 A Only insofar as I can appeal to the Commissioner's
9 Office for assistance if I feel we are getting too crowded,
10 and if he has some way of helping he does.

11 Q Is it not true that as the Eastern Diagnostic
12 Center for Pennsylvania, you are obligated to accept everyone
13 sentenced to the State System in the Eastern Region of this
14 State?

15 A We must accept them. If we are too crowded, we
16 can send them to the other diagnostic centers, which we have
17 done and are doing.

18 Q So, then, you have no problems with the fact
19 that your plan may become outmoded in the future due to
20 population increases. You don't think this is a possibility,
21 is that what you are saying?

22 A Even with the population growth, our staff
23 and support facilities grows accordingly.

24 Q The support --- could you say that again?

25 A I say as numbers increase, so the support

1 facilities increase.

2 Q Correspondingly?

3 A Yes.

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7-1-SueWal

Q Are you stating that when that new five hundred cell facility opens that you will just stop double-celling?

A That's what I'm looking forward to.

Q All right. One more --

MR. CONNER: Could we make a technical objection? Could we have some identification, for the sake of the record, as to what the Pennsylvania Commission on Crime and -- Delinquencies, Prison and Jail Overcrowding Task Force is?

I assume that it is either a legislative committee or an arm of the Bureau of Corrections. But the record doesn't show, and I think perhaps it might be well to do it here.

JUDGE HOYT: I anticipate that the counsel for the Commonwealth is probably going to pick up on that, Mr. Conner. If not, they will now.

(Laughter.)

Go ahead, Mr. Love.

BY MR. LOVE: (Continuing)

Q One final point I would like to cover. Let me find it specifically in your testimony here. Okay. On Question Number 12, it states: Would the inmates have any other notice regarding the evacuation?

You state in your answer: Yes. We plan to issue an addendum to the inmate handbook, which is given to every inmate. The addendum will tell the inmates what to do to help

7-2-SueWal

in the evacuation.

2 Could you expand on that?

3 A Basically, we are going to give information in the
4 inmate handbook, which will alert them to the fact that we
5 also have an emergency evacuation plan as well as our routine
6 fire drills, and things of this nature to help protect them
7 in the event of an emergency.

8 Q And when did you come up with this idea?

9 A Very recently.

10 Q How recently?

11 A Last few weeks.

12 Q And, you say "we." Who do you mean by "we?"

13 A I think it was in discussion with the Department
14 and with our own people on emergency planning.

15 Q I see. And why was this not contemplated earlier?

16 MS. FERKIN: Objection. Your Honor, I fail to see
17 the relevance of this line of questioning.

18 JUDGE HOYT: I think the last question, Mr. Love,
19 is --

20 MR. LOVE: I -- can I -- if I may be permitted to
21 respond.

22 JUDGE HOYT: Very well. Respond, if you wish.

23 MR. LOVE: It's my belief that this particular
24 addendum, which I have never heard anything about during all
25 the prior discussions we've had, has been made in response to

7-3-SueW 1

2 some statements that my expert made and will testify as to
3 tomorrow. And that's why I'm trying to ascertain whether
4 this was made in response to his statements or whether this
5 was some kind of independent idea that they came up with.

6 MR. CONNER: Objection. Irrelevant.

7 JUDGE HOYT: All right, Mr. Conner. Let Mr. Otto
8 respond. All right, Mr. Otto, go ahead.

9 MR. OTTO: All through the discussions we've had
10 on this plan we have been talking about prior notifications
11 and things like that taking place. And I think this is just
12 another one of the ways we can notify the inmates.

13 JUDGE HOYT: Would I be correct in assuming, Mr.
14 Otto, that this is part of the continuing dynamic growth of
15 the evacuation plan in general?

16 MR. OTTO: That's a fair statement, I suppose.

17 JUDGE HOYT: Thank you. All right, Mr. Love.

18 MR. LOVE: I will move on, then.

19 BY MR. LOVE: (Continuing)

20 Q Do you have a copy of the addendum?

21 A No.

22 Q Could you tell us what will, in fact, be included
23 or if you have thought about it?

24 A I can eventually produce a copy. I don't have a
25 copy with me.

Q Okay. Could you do that?

7-4-SueW

A Yes.

MR. LOVE: I have nothing further of this witness.

JUDGE HOYT: Before we have any redirect, we will take a fifteen minute recess. Will that be sufficient also for you to prepare your redirect?

MR. HASSELL: Before redirect begins, I must submit I do have a few clarifying questions for cross. I could go forward with it now or after the break, whatever the Board's desire is.

JUDGE HOYT: I think we will allow that to go forward after the break, Mr. Hassell.

MR. HASSELL: That's fine.

JUDGE HOYT: And there was no intention of the Board to cut you out of the question plan.

Very well. We will recess for fifteen minutes.

(Whereupon, a recess is taken at 3:31 p.m., to reconvene at 3:55 p.m., this same day.)

JUDGE HOYT: All right. The hearing will come to order. Let the record reflect that the parties to the hearing have all returned.

The witness has again taken his place on the witness stand. Sir, I will remind you that you had taken an oath here, Mr. Zimmerman, in this courtroom earlier. You are still under that oath.

WITNESS ZIMMERMAN: Yes, ma'am.

7-5-SueW

JUDGE HOYT: Mr. Love, you had completed your cross-examination at the end of the first session this afternoon, and I understand Mr. Hassell has some questions.

Do you anticipate any, Mr. Conner?

MR. CONNER: We have one clarifying question that somebody else will probably ask.

JUDGE HOYT: Well, if it isn't asked then let us know at that time.

MR. CONNER: Yeah.

JUDGE HOYT: Mr. Hassell, please proceed.

MR. HASSELL: Thank you, Judge Hoyt.

CROSS EXAMINATION

INDEXX

BY MR. HASSELL:

Q Good afternoon, Mr. Zimmerman. My name is Mr. Hassell, counsel for NRC staff.

Would you turn to the flow chart that is attached to your prefiled testimony?

A Yes.

Q As I understand your testimony in response to Mr. Love's cross, you indicated that two thousand four hundred and fifty inmates was the population estimate that you relied on in developing the flow chart. Is that correct?

A Yes.

Q I believe you also testified that the current population of the State Correctional Institution at Graterford

7-6-SueW 1 is twenty-five hundred inmates; is that correct?

2 A Approximately, yes.

3 Q With respect to that difference in population,
4 would that have any effect on your current evacuation time
5 estimate of eight to ten hours?

6 A No. It wouldn't.

7 Q Why not?

8 A The small number of inmates we are speaking of
9 it just would mean an extra vehicle.

10 Q I believe you were asked some questions with
11 respect to the Class 3 inmates that show up on your flow
12 chart; specifically, I believe you were asked some questions
13 concerning whether you included the time for the inmates to
14 walk to the staging area.

15 Do you recall that line of questioning, Mr.
16 Zimmerman?

17 A Yes, I do.

18 Q And I believe it was your testimony that you did
19 not include the time for the inmates to walk to the staging
20 area with respect to the Class 3 inmates; is that correct?

21 A Yes.

22 Q Would you please explain what, if anything, would
23 happen with respect to your time estimate if, in fact, that
24 time was included?

25 A At most, as I indicated earlier, it may go up by

7-7-SueW

1 about three minutes. And in three minutes time, one can
2 walk anywhere in the institution. And since this is all
3 being done very sequentially, the only difference would be
4 that the last man, once he secured, may arrive at the bus
5 three minutes later than we had originally estimated.

6 But again this is all being done simultaneously.
7 It's not like we have to get one after the other after the
8 other. So we may be loading three or four or five vehicles
9 at one time.

10 So, it really may have no impact. But at the out-
11 side it would have a three minute impact.

12 Q I believe you were also asked some questions with
13 respect to your entry concerning off-duty personnel called.
14 Do you see that area on the flow chart?

15 A Yes, I do.

16 Q Now, with respect to the times that you have there --
17 and I may have missed this -- would you please explain what
18 factors you relied on in developing those times?

19 A Based upon our past experience in testing our
20 emergency call-in plan, we have to call in off-duty personnel
21 for various types of emergency at a maximum security facility
22 such as Graterford. When we tested our call-in system, we
23 were able to tell how many people we had contacted and what
24 amount of time and how long it would take them to come to the
25 institution.

7-8-SueWal

And, as I said, in reality whenever we have had an emergency situation and called people in, they began arriving almost immediately because of their various locations, some within a matter of a mile of the institution, two people all the way within Philadelphia and other areas.

Q Does the off-duty personnel called, would that involve the maximum number that are needed to evacuate the full facility?

A No. The majority of the people needed to evacuate would already be on site, depending on the time of day.

For example, if it occurred during the middle of the working day we have, I would guess, around three hundred people on site at the present time.

And at various other times, depending on the shift, it would involve either more or less people.

MR. HASSELL: If it's not a security concern, Mr. Otto, feel free to raise this as an objection if there is a problem.

BY MR. HASSELL: (Continuing)

Q Could you give a rough estimate of how many additional personnel would have to be called in an off-duty status in order to evacuate all of the prisoners?

(Pause.)

Mr. Zimmerman, do you believe that that's --

JUDGE HOYT: Just a moment, Mr. Hassell. Hold

7-9-SueWall

your answer for a moment, Mr. Zimmerman. Mr. Otto is thinking.

MR. OTTO: Well, I don't mean to hold up the wheels of justice but initially Superintendent Zimmerman testified that it would depend on the time of day as to the numbers of officers that would need to be called in. And maybe if he could respond in a -- I don't want to say in a vague way, but in a way that's not entirely specific, that would be appropriate.

MR. HASSELL: Well, as I recall the question, that's why I framed it in terms of the maximum number. I don't want him to tie it down to a particular shift. I just want to know in the situation where you contemplate calling the maximum number -- you don't have to say when that is even -- approximately how many off-duty personnel would that involve?

MR. OTTO: We would have no objection to that.

JUDGE HOYT: You understand, Mr. Zimmerman?

WITNESS ZIMMERMAN: Yes. You want a ballpark figure for the --

JUDGE HOYT: I think those are the magic words.

WITNESS ZIMMERMAN: -- maximum amount of people that might have to be called in for a site evacuation of Graterford?

BY MR. HASSELL: (Continuing)

7-10-SueWal

Q That's correct.

A Okay. I would give you a ballpark figure of three hundred people. And that would be the absolute maximum.

Q Okay. I would like to take you back to your testimony concerning I believe two prior incidents that Mr. Love referred to in his cross-examination, one that took place in September of 1983 and the other in February of 1984 where you were asked questions about the lock-down time.

Do you recall that area of inquiry?

A Yes, I do.

Q Would you please explain what factors would be different that would lead you to conclude that the thirty minute time estimate that you are allowing for lock-down is reasonable?

A Yes. During those incidents, there was confusion throughout the institution, and whenever we have had a lock-down for other reasons -- and we do have them periodically -- especially when there is something that the inmates recognize as something for their own benefit, they are cooperative and go right along with whatever direction is given because they recognize it's the best way to function and operate in order to effect the goals of the plan.

Q Is that the only factor? I'm trying to clarify an area of testimony that I'm not sure frankly is clear in my mind. I believe you also mentioned something about generators

11-SueWall

or backup lights.

2 A Well, as I said, at those times. Graterford now
3 has backup emergency lighting. When we had those power
4 failures we not only didn't have any backup emergency light-
5 ing and were put into total blackness causing confusion
6 throughout the institution among both staff and inmates, but
7 we had never planned for a power total blackout.

8 And consequently, we dealt with it as best we
9 could. And every time we had one the Maintenance Department
10 assured us it could never happen again. And finally after
11 they assured us for the third time it happened again, we
12 made a decision that we had to get emergency backup lighting,
13 and we did.

14 So, they said it still can't happen again. But
15 we do have emergency backup lighting that no matter what
16 happens those lights come on now.

17 Q Does that also mean that you may have in place --
18 or have you established specific procedures for a total blackout
19 if that were to occur, however unlikely?

20 A That's something that we incorporated into our
21 emergency plan with backup help based upon our experience
22 at those two -- three occasions.

23 MR. HASSELL: I have no further questions.

24 JUDGE HOYT: Did you get your question answered,
25 Mr. Conner?

-12-SueWal

MR. CONNER: No.

JUDGE HOYT: All right. Go ahead and ask it
now.

CROSS EXAMINATION

BY MR. CONNER:

INDEXX

Q Mr. Zimmerman, I probably just didn't hear this
correctly. You were asked a question by Mr. Love about
buses coming in from the other locations and I think you said,
or you answered something to the effect that they would use
routes which would not hit the areas used by the public in
an evacuation.

As I understood that, you simply said they were
coming in on roads that are not evacuation routes or that
they would be using the incoming lane, whereas the evacuations
would be in the outgoing lane.

But I wasn't sure what you meant, or if you meant
something else.

A That's part of what I meant. The entire evacua-
tion plan was done in conjunction with PEMA, and they were
responsible for coordinating to be sure that we would not
interfere with one another, the Graterford population with
the general population.

And that's the way it has been drawn up.

Q Then, if I understood, you meant to say then
that the incoming buses would not be interfered with by outgoing

13-SueWal

traffic?

A That's correct.

MR. CONNER: Okay. That's all I have.

JUDGE HOYT: All right. Mr. Hirsch, you have no questions?

MR. HIRSCH: No.

JUDGE HOYT: Ms. Ferkin, are you and Mr. Otto ready for your rebuttal, redirect I guess?

MR. OTTO: Actually, we've been very lucky in that the other parties have done most of what we were going to do.

I have one area where I would like to just clear up Superintendent Zimmerman's testimony.

INDEXXX

REDIRECT EXAMINATION

BY MR. OTTO:

Q That is with regards to the two to four hour estimate for the vehicles arriving that you used on the flow chart. Could you briefly discuss and hopefully clarify for the record how that figure was arrived at and what it is based on?

A It is based upon our experience in travelling to the various facilities on a regular basis under all types of conditions throughout the years.

And it was arrived at using our experience in travelling to those facilities, both to and from, with vans,

-14-SueWall

with buses and with various transport vehicles.

Q Now, in prior filings with this Commission there were estimates of one to three hours provided that that would be the time it would take for the bus providers to provide the buses to our support institutions.

That two to four hour figure there, does that include the one to three hours estimated to get the buses to the support institutions or not?

A I've been assured by the Department of Corrections that I would have the buses that I needed in that period of time. And, as I stated earlier, the arrangements made at the specific support institutions are made by those support superintendents and coordinated by the Department of Corrections.

MS. FERKIN: Your Honor, that concludes our redirect. We do have a point of clarification.

You had asked for some information with respect to the document from which Graterford Exhibit 5 is taken. I believe, Your Honor, you had asked for an explanation of the nature of the Pennsylvania Commission on Crime and Delinquencies, Prison and Jail Overcrowding Task Force, the pages of which -- pages of their February 12th, 1985 report are included in what has been marked as Graterford Inmates Exhibit 5.

Your Honor, I think the easiest way to handle

-15-SueWals

that is simplest to either enter into the record as a
Commonwealth exhibit a, if you will, front page of the report
which lists the members of the Commission or I can simply
read that page into the record.

JUDGE HOYT: Why don't you just introduce it as
an exhibit, Ms. Ferkin? And the first page and the reverse
of that first page, I should say perhaps the cover page and
the reverse of that cover page with the copy of the extract
that had been referred to?

END #7
Simons flws

Sim 8-1

1 MS. FERKIN: Your Honor, I obviously don't have
2 sufficient copies of this document available to distribute now
3 that I can identify what I would propose to enter.

4 JUDGE HOYT: Very well.

5 MS. FERKIN: It is the front page of the facing
6 page, if you will, of a February 12th, 1985 report of the
7 Pennsylvania Commission on Crime and Delinquencies Prison
8 and Jail Overcrowding Task Force entitled "A Strategy To
9 Alleviate Overcrowding in Pennsylvania's Prisons and Jails,"
10 and I would like that identified and received in evidence as
11 Commonwealth Exhibit, I believe we are on Exhibit 14. I would
12 have to check the record of your prior decision, Your Honor.

13 JUDGE HOYT: I will tell you, Ms. Ferkin, I must
14 confess I have forgotten what exhibit number you are on as
15 well. And in order that it not be confused with any previous
16 exhibits, perhaps we should renumber your exhibits and start
17 a new numbering system here for this.

18 Perhaps we can use ---

19 MS. FERKIN: Would Exhibit G-1 be acceptable?

20 JUDGE HOYT: G-1 would be acceptable. And we
21 will assign the identification G-I to your, Mr. Love, here
22 which has the connotation here meaning Graterford Inmates.

23 (The document referred to was marked
24 Commonwealth Exhibit No. G-1 for
identification.)

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1 JUDGE HOYT: That will be duplicated along the
2 way and delivered to us, Ms. Ferkins.

3 Judge Cole, you had some questions I think.

4 BOARD EXAMINATION

INDEXXXXXXX

5 BY JUDGE COLE:

6 Q Just one of two questions, Superintendent
7 Zimmerman. It has to do with the emergency backup lighting
8 system.

9 You recall that you testified to having a certain
10 time problem with lock-down during previous power shortages,
11 blackouts at the plant. When was the emergency backup lighting
12 system installed?

13 A As I said earlier, immediately after the last
14 power failure, which was I think February 1984. We began
15 installing it shortly thereafter and I think it was completed
16 probably in the fall of that year.

17 Q I think you have already answered my next question
18 when you identified that as the last blackout. Have you had
19 any blackouts since the ---

20 A No. We have had partial power failures, and I
21 wouldn't call them blackouts because the emergency lights
22 came on and everything worked well. We have had blocks
23 thrown into total darkness, what would have formerly have
24 been total darkness, but with the emergency lighting system
25 it worked.

sim 8-3

1 Q So you have had power failures but not blackouts
2 because of the system you installed to prevent that?

3 A That is correct.

4 Q During these power failures, did you conduct any
5 lock-downs?

6 A The more recent power failures? Do you mean the
7 ones with the emergency lighting system in effect?

8 Q Yes, sir.

9 A Yes.

10 Q How long did it take you to conduct those
11 lock-downs?

12 A Oh, it was a matter of minutes. It was usually
13 just isolated to one or two blocks, and if the Captain decided
14 to lock it up, within 15 minutes the block was locked up.

15 Q And the only difference with respect to the power
16 failure was that you had the emergency lighting system intact?

17 A Yes, and it was not institution-wide.

18 Q What was not institution-wide?

19 A The power failure. A transformer, an area
20 transformer went and threw parts of the institution into
21 blackness, which was actually not blackness, but into no power,
22 and then the emergency lights came on, and those parts of
23 the institution were secured.

24 The power failure of February and September, it
25 was a total system-wide failure which originated somewhere

Sim 8-4

1 in the power plant and getting hit by lightening.

2 JUDGE COLE: All right, sir. Thank you.

3 That is all I have.

4 JUDGE HOYT: Judge Harbous.

5 BOARD EXAMINATION

INDEXXXXXXX 6

BY JUDGE HARBOUR:

7 Q I am sorry. I am still not clear on the
8 notification and response time of the bus drivers and the
9 amount of time that it takes to drive to Graterford
10 Institution, and how that fits with your two to four-hours
11 of time. What does your two to four-hours time include?
12 Does it include the notification and response time or just
13 the travel time, or does it include some promise of time
14 that you don't know the basis of?

15 A I know the basis of the travel time to the
16 various institutions because we send and receive vehicles
17 to and from the various institutions.

18 Q And with 190 miles maximum distance, the maximum
19 time for travel time is what?

20 A Four hours.

21 Q Thank you. Now if you have more, please
22 continue.

23 A I do not know what arrangements are made at
24 those institutions for getting the vehicles to us. I do
25 know the Department has said we would have the vehicles

Sim 8-5

1 in that amount of time.

2 Q Do you know whether the other institutions which
3 would be providing the buses would be notified by the
4 Department of Corrections in a manner similar to the way
5 that you are notified?

6 A Yes. As a matter of fact, they would be notified
7 by the Department probably way in advance. Unless a
8 bizarre situation happened, we would have those buses on site
9 before we were even given the order to evacuate.

10 Q Under the most likely circumstances?

11 A That is correct.

12 Q But under the least likely circumstances ---

13 A Then we would have an immediate type of situation.
14 Based upon our experience at Camp Hill with TMI, we had
15 buses lined up outside the institution during that whole
16 emergency in case we would have had to evacuate, and we would
17 have the same thing at Graterford.

18 JUDGE HARBOUR: All right. Thank you.

19 JUDGE HOYT: I have no qusetions, Mr. Zimmerman.
20 Is there any reason that this witness cannot be
21 excused?

22 MR. OTTO: I have one more redirect question.

23 REDIRECT EXAMINATION

24 BY MR. OTTO:

25 Q You referred to the power plant. Just for the

INDEXXXXXX

Adm. General Reporters, Inc.

Sim 8-6 1 Board's clarification and maybe for some of the other parties,
2 which power plant were you just discussing?

3 A I thought about mentioning that. We have a new
4 power plant under construction right now and it will be on
5 line in Janaury of 1986. The old one is pretty old.

6 JUDGE HOYT: Will that be in addition then to the
7 emergency backup that you were talking about?

8 THE WITNESS: Yes, ma'am, it would be.

9 JUDGE COLE: Are you saying that you generate
10 your own electricity on site?

11 THE WITNESS: We purchase power from PE, but there
12 is some kind of a relay system that it goes through our
13 power plant. Our power plant produces steam for the
14 institution primarily.

15 JUDGE COLE: All right. Thank you.

16 JUDGE HOYT: Well, let me try the question
17 again then. Is there any reason that this witness needs
18 to be retained?

19 (No response.)

20 JUDGE HOYT: All right then. Superintendent
21 Zimmerman, you may be excused, sir. Thank you.

22 THE WITNESS: Thank you.

23 (Witness Zimmerman excused.)

24 JUDGE HOYT: All right, the next witness is
25 Mr. Taylor. Is he here?

Sim 8-7

1 MS. FERKIN: The Commonwealth would call
2 Mr. Donald Taylor.

3 JUDGE HOYT: I believe you have taken the oath
4 before, Mr. Taylor, but I don't know how long those may be
5 good. Let's try again.

6 Whereupon,

7 DONALD F. TAYLOR

8 was called as a witness on behalf of the Commonwealth of
9 Pennsylvania and, having been first duly sworn by Judge
10 Hoyt, was examined and testified as follows:

11 JUDGE HOYT: Please be seated.

12 Are you ready Ms. Ferkin?

13 MS. FERKIN: Yes, I am.

14 JUDGE HOYT: Go ahead.

15 DIRECT EXAMINATION

16 BY MS. FERKIN:

17 Q Sir, would you please state your name and
18 business address?

19 A Donald F. Taylor at the Transportation and Safety
20 Building in Harrisburg, Pennsylvania.

21 Q Mr. Taylor, what is your position with the
22 Commonwealth of Pennsylvania?

23 A I am the Director of Training and Education for
24 the Pennsylvania Emergency Management Agency.

25 Q And, Mr. Taylor, have you testified previously

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1 in this proceeding?

2 A Yes, I have.

3 Q Sir, do you have before you a document entitled
4 "Testimony of Donald F. Taylor for the Commonwealth of
5 Pennsylvania on Graterford Inmates Contention Regarding
6 Training of Civilian Response Personnel"?

7 A Yes, I do.

8 Q And does that document consist of six pages of
9 written testimony and a seven-page attachment, which is
10 entitled "Plan of Instruction No. 7"?

11 A That is right.

12 Q Is that your direct testimony on the Graterford
13 Inmates Contention in this proceeding?

14 A That is correct.

15 Q Mr. Taylor, was your testimony prepared by you
16 or under your direction?

17 A Yes.

18 Q At this time, sir, are there any corrections you
19 wish to make to this testimony?

20 A Yes. On page 2, in the second line, "Grateford"
21 is misspelled. There should be a second "r" in Graterford
22 that needs to be inserted.

23 Q And are those all the corrections you wish to
24 make?

25 A That is all.

Sim 8-9

1 Q As corrected, Mr. Taylor, is your testimony
2 true and correct to the best of your knowledge, information
3 and belief?

4 A It is.

5 MS. FERKIN: Your Honor, at this time I move
6 that the testimony of Donald F. Taylor on Graterford Inmates
7 Contention Regarding Training of Civilian Response
8 Personnel be received in evidence.

9 JUDGE HOYT: Any objection?

10 MR. LOVE: No objection.

11 MR. HASSELL: No objection.

12 MR. CONNER: No objection.

13 JUDGE HOYT: Very well, the six-page testimony
14 of Donald F. Taylor will be received into evidence and
15 will be attached at this point in the transcript.

16 I believe previously Mr. Taylor's qualifications
17 had been inserted in the record and we need not insert an
18 additional copy at this time.

19 MS. FERKIN: Yes, Your Honor, and that point is
20 noted in the testimony which he is giving today.

21 JUDGE HOYT: I believe that transcript page,
22 for easy reference at this point, was transcript page 19,498.

23 MS. FERKIN: That is correct.

24 (The testimony of Donald F. Taylor on Graterford
25 Inmates Contention Regarding Training of Civilian Response
Personnel follows:)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
PHILADELPHIA ELECTRIC COMPANY)	Docket Nos. 50-352
(Limerick Generating Station,)	50-353
Units 1 and 2))	

TESTIMONY OF
DONALD F. TAYLOR
FOR THE COMMONWEALTH OF PENNSYLVANIA
ON GRATERFORD INMATES CONTENTION REGARDING
TRAINING OF CIVILIAN RESPONSE PERSONNEL

Q.1. Please state your name and business address.

A.1. My name is Donald F. Taylor. I am Director of Training and Education for the Pennsylvania Emergency Management Agency (PEMA). My business address is Transportation and Safety Building, Room B-151, Harrisburg, PA 17120.

Q.2. Mr. Taylor, have you prepared a statement of your professional qualifications?

A.2. Yes. A copy of my biography was admitted in evidence in this proceeding fol. Tr. 19498.

Q.3. Mr. Taylor, what is the purpose of your testimony?

A.3. The purpose of my testimony is to respond to the admitted contention of the Graterford inmates regarding training for civilian personnel who may be called on to participate in

the radiological emergency response plan for the State Correctional Institution at Graterford in the event of an emergency at the Limerick Generating Station.

Q.4. Mr. Taylor, could you define what you mean by "civilian personnel?"

A.4. When I refer to "civilian personnel," I use the same definition as that stated by the Atomic Safety and Licensing Board in its Order of June 12, 1985 admitting this contention. The Licensing Board (at p. 6) defined "civilian personnel" as "those non-state employees identified in Plan 2 of the RERP for the State Correctional Institute at Graterford as having a role in the emergency response in the event of a radiological emergency at Limerick." Such employees are bus and ambulance drivers employed by civilian bus and ambulance companies.

Q.5. What does the training you offer encompass?

A.5. The dosimetry training that will be provided to these bus and ambulance drivers is outlined in the plan of instruction attached to this testimony and incorporated herein by reference. Decontamination monitoring procedures will also be examined as there is a remote possibility that, if dosimetry is utilized by these bus and ambulance drivers, they will also be involved in some manner with decontamination monitoring. This training will ensure their knowledge of that process.

Q.6. Who will conduct training for the civilian bus and ambulance companies?

A.6. The training described here will be conducted by PEMA. Any such training that will be required is for the direct benefit of another Commonwealth agency. Thus, it is PEMA's responsibility under Annex E of the Commonwealth Disaster Operations Plan to do the training. The training that has been performed for local municipalities (cities, boroughs, townships), school bus drivers, fire fighters, and other personnel should have been performed by the appropriate county. P.L. 1332 places that responsibility on the county. However, due to the inability and/or unwillingness of the various counties to conduct this training, Philadelphia Electric Company employed a consulting firm to fulfill the training responsibilities of the involved counties.

Q.7. How will the bus companies be made aware of the availability of the training you are offering?

A.7. On April 4, 1985, I wrote a personal letter to each of the six bus companies that will transport prisoners from Graterford in the event of an evacuation caused by an accident at the Limerick Generating Station. These letters offered dosimetry training to the bus drivers who will be employed in this endeavor. To date, no responses from these six bus companies have been received.

A program designed to encourage the aforementioned six bus companies to accept this training will be implemented in late July and early August, 1985. This implementation will involve personal visits by me to each of these bus companies so as to personally urge them to take advantage of this offer of training.

Q.8. How will the ambulance companies be informed of the availability of PEMA training?

A.8. The ambulance companies will be offered training in the same manner as that described in my previous response with respect to the bus companies. I will contact the ambulance companies that would be called upon in an evacuation of Graterford in a radiological emergency at Limerick by letter, as I have already done with the bus companies. Thereafter, in late July and early August I will visit each company to encourage the company to accept the training offer, if the company has not already done so.

Q.9. When and where will bus and ambulance driver training be conducted?

A.9. Any training sessions that are conducted will be scheduled in a place and at a time convenient to the drivers themselves. It is presumed that such training will be conducted at, or near, the bus or ambulance company headquarters.

Q.10. Will PEMA attempt to contact individual drivers to encourage them to accept the training program?

A.10. No. It is not within the purview of PEMA to contact individual drivers in the event a bus or ambulance company does not accept training. However, I intend to make every effort to persuade the bus and ambulance companies to accept such training.

Q.11. Will there be training offered to the bus and ambulance companies in subsequent years, after Limerick goes into commercial operation?

A.11. Yes. This training and/or refresher training will be made available annually to the drivers of each bus and ambulance company.

Q.12. The inmates contend that the training course offered by PEMA is inadequate because it is "not as comprehensive as the one offered to the bus drivers of school children" as described in the Licensing Board's Third Partial Initial Decision. Do you have a response to this contention?

A.12. Yes. First of all, the training program for school bus drivers provided by Energy Consultants (EC) through the auspices of the Applicant, Philadelphia Electric Company, was approved by me prior to its implementation in the various counties in the Limerick EPZ. It should also be noted that PEMA certifies the EC instructors as qualified

to give such instruction. I am therefore in a position to compare the EC course to that being offered by PEMA in this instance.

As may be seen in the PEMA lesson plan, the plan of instruction for these bus and ambulance drivers covers a full spectrum of topics, including government response to disasters, levels of radiation during an incident at a fixed nuclear facility, proper use of dosimetry, and decontamination monitoring procedures. The only significant difference between this course and the EC program is that the latter provides what I term a "public relations" lesson. This explains how a nuclear generating plan operates and the safety of such a facility.

In my opinion, the PEMA-offered training will adequately prepare these bus and ambulance drivers to respond to the Graterford facility in a radiological emergency at Limerick. Further, to the extent drivers attending a training session raise questions that are not covered within the precise scope of the course, the PEMA instructor will respond to the question to the best of his ability, and direct the questioner to other sources if need be.

Q.13. Does this conclude your testimony?

A.13. Yes.

PLAN OF INSTRUCTION
NUMBER SEVEN

DOSIMETRY AND DECONTAMINATION SEMINAR
FOR EMERGENCY PERSONNEL

Rationale

Despite the extraordinary precautions and safeguards in effect, there remains the possibility of unplanned radiological releases from the nuclear-powered generating plants located within the Commonwealth of Pennsylvania. In minimizing the risk to emergency response personnel who may be required to function in a potentially hazardous environment, there is a need for such personnel to know how to monitor their personal exposure to radiation, monitor exposure of other persons, and conduct proper decontamination monitoring procedures.

Purpose

This seminar is designed to provide emergency personnel with the knowledge and skills that will permit them to monitor their personal exposure to radiation and to conduct decontamination monitoring procedures that will be employed in appropriate locales in proximity to nuclear-powered generating plants.

Objectives

Upon completion of this seminar, participants should be able to do the following:

1. Develop an understanding of the government response to disasters.
2. Demonstrate an ability to properly utilize the designated dosimetry.
3. Know the acceptable levels of radiation during an incident at a fixed nuclear facility.

4. Demonstrate an understanding of maintaining appropriate records.
5. Understand reception centers, mass care centers, and where decontamination monitoring procedures are utilized.
6. Demonstrate the proper use of a survey meter.

Qualifications for Attendance

All county emergency management coordinators, members of the county emergency management organizations, municipal emergency management coordinators as recommended by their county coordinators, and any other person approved by the Pennsylvania Emergency Management Agency are eligible to attend this seminar.

Summary of Subject Areas

<u>Subjects</u>	<u>Hours</u>
1. Introduction and Overview	0.1
2. Government Response to Disasters	0.5
3. Dosimetry	0.9
4. Decontamination	0.9
5. Summary and Conclusion	<u>0.1</u>
Total	2.5

Units of Instruction

1. Introduction and Overview 0.1 hours

The instructor will introduce all those persons who should be made known to the students. Then, through a brief lecture, the instructor will explain the purpose of this seminar and briefly review the subjects that will be discussed.

2. Government Response to Disasters

0.5 hours

- Reference:
- a. Federal Civil Defense Act of 1950, P.L. 81-920.
 - b. Pennsylvania Emergency Management Services Act of 1978, P.L. 1332.
 - c. "The Pennsylvania Emergency Management Agency," a brochure.

Presentation: The instructor will lecture on the development of civil defense in the United States with an emphasis on Pennsylvania. The evolvement into emergency management will be explained and its present mission described. The involvement of emergency management in planning for incidents at fixed nuclear facilities will be described. The PEMA brochure will be utilized as a hand-out.

3. Dosimetry

0.9 hours

Reference: Commonwealth of Pennsylvania; Disaster Operations Plan, Annex E ("Fixed Nuclear Facility Incidents"); November, 1981; Appendix 16 ("Radiological Exposure Control").

- Presentation:
- a. Through lecture and discussion, the instructor will demonstrate the proper use of the three dosimeters and the charger.
 - (1) CD V-730 (or DCA 622)
 - (2) CD V-742
 - (3) TLD (thermoluminescent dosimeter badge)
 - (4) CD V-750
 - b. Through lecture and discussion, the instructor will explain the following acceptable levels of radiation concerning fixed nuclear facility incidents:
 - (1) 25 R
 - (2) 15-20 R
 - (3) 5 R

- c. Through lecture and discussion, the instructor will explain the proper record forms and how they should be maintained.

4. Decontamination

0.9 hours

Reference: Commonwealth of Pennsylvania; Disaster Operations Plan, Annex E ("Fixed Nuclear Facility Incidents"); November, 1981; Appendix 16 ("Radiological Exposure Control").

Presentation: The instructor, through lecture and discussion, will examine reception centers and mass care centers. Then, decontamination monitoring procedures will be identified and demonstrated. The proper use of a CD V-700 will be explained and demonstrated. The following will then be discussed and explained:

- a. Background radiation (usually .03 mr).
- b. Radiation above background of .05 mr or more will be referred to a physician.
- c. Thyroid must not exceed .1 mr.
- d. Appropriate record keeping.

5. Summary and Conclusion

0.1 hours

The instructor will briefly summarize the content of this seminar and then bring it to a conclusion.

Evaluation

All participants will be requested to complete the evaluation form that is marked "Attachment A."

Deployment

This seminar will be presented in each county within the Commonwealth that is involved with nuclear-powered generating plants.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
OFFICE OF TRAINING AND EDUCATION

Course Evaluation
for
Dosimetry and Decontamination Seminar

I. General - Check space preceding most appropriate answer

1. My reaction to this seminar can best be described as:

- ☐ a. The seminar met my needs far beyond my expectations.
- ☐ b. The seminar met my needs in an adequate manner.
- ☐ c. The seminar did not meet all my needs.
- ☐ d. The seminar did not meet my needs at all.

2. My estimate of the instructor's capabilities can best be described as:

- ☐ a. The instructor was excellent.
- ☐ b. The instructor was good.
- ☐ c. The instructor met most of my needs, but some needs were not addressed.
- ☐ d. The instructor failed to meet my needs.

3. The room in which the instruction was conducted can best be described as:

- ☐ a. The room was excellent.
- ☐ b. The room was good.
- ☐ c. The room was not quite adequate.
- ☐ d. The room was totally inadequate.

II. Meeting Objectives

1. My understanding of the government response to disasters can best be described as:

- ☐ a. I fully understand the government response to disasters.
- ☐ b. I understand generally the government response to disasters.
- ☐ c. I do not understand the government response to disasters.

2. My knowledge of the proper use of dosimetry can be described as:
- ☐ a. I fully understand the proper use of dosimetry.
 - ☐ b. I understand generally the proper use of dosimetry.
 - ☐ c. I do not understand the proper use of dosimetry.
3. My knowledge of the acceptable levels of radiation during an incident at a fixed nuclear facility can best be described as:
- ☐ a. I fully understand the acceptable levels of radiation.
 - ☐ b. I understand generally the acceptable levels of radiation.
 - ☐ c. I do not understand the acceptable levels of radiation.
4. My understanding of the proper maintenance of appropriate records can best be described as:
- ☐ a. I understand completely the appropriate records and how they are to be maintained.
 - ☐ b. I understand generally the appropriate records and how they are to be maintained.
 - ☐ c. I do not understand the appropriate records or how they are to be maintained.
5. My knowledge of reception centers, mass care centers, and where decontamination monitoring procedures are to be utilized can best be described as:
- ☐ a. I fully understand reception centers, mass care centers, and where decontamination monitoring procedures are to be utilized.
 - ☐ b. I generally understand reception centers, mass care centers, and where decontamination monitoring procedures are to be utilized.
 - ☐ c. I do not understand reception centers, mass care centers, or where decontamination monitoring procedures are to be utilized.
6. My knowledge and understanding of the effective use of a survey meter can best be described as:
- ☐ a. I understand completely the use of a survey meter.
 - ☐ b. I understand the proper use of a survey meter, but have some questions about such use.
 - ☐ c. I do not understand how to use a survey meter.

III. Recommendations

In the space below, please submit any recommendations you may have regarding this seminar.

Sim 8-10

1 MS. FERKIN: The witness is tendered for
2 cross-examination.

3 JUDGE HOYT: Thank you.

4 We will again start out with you, Mr. Conner.

5 CROSS-EXAMINATION

INDEXXXXXXX

6 BY MR. CONNER:

7 Q Mr. Taylor, you referred to the type of training
8 that your office will offer to the transportation providers,
9 mostly the buses. Has your office provided this type of
10 training to other bus providers or other people in the State
11 before?

12 A The same training has been provided to other
13 bus drivers, yes, sir.

14 Q Has it been provided to any of these ones that
15 have been designated, the six bus companies you referred to?

16 A No, it has not.

17 MR. CONNER: I have no further questions.

18 JUDGE HOYT: Mr. Hirsch.

19 MR. HIRSCH: I have no questions, Your Honor.

20 JUDGE HOYT: Mr. Love, are you ready for your
21 cross-examination?

22 MR. LOVE: Yes.

23 CROSS-EXAMINATION

24 BY MR. LOVE:

25 Q Mr. Taylor, have you ever had any prior experience

INDEX

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Sim 8-11

1 in dealing with institutionalized persons?

2 A In what way?

3 Q Training them.

4 A Yes.

5 Q Offering training about them?

6 A Yes.

7 Q And where and when?

8 A About ten years ago in Western Pennsylvania,
9 in Pittsburgh to be exact. I ran a counseling group for a
10 half-way house, if you will, for parolees and probationers
11 from about 16 or 18 counties in Western Pennsylvania.

12 Q Have you ever offered any training in the custody
13 and control of incarcerated individuals?

14 A No.

15 Q Do you have any experience in evacuating penal
16 institutions?

17 A Yes.

18 Q Where would that have been?

19 A That was prior to my being Director of Training
20 and Education. I was a Nuclear Civil Protection Planning Officer
21 for the PEMA and was in charge of developing the crisis
22 relocation plan then in effect in the Commonwealth.

23 Q Excuse me?

24 A That was then in effect in the Commonwealth.

25 Q For the whole Commonwealth?

1 Q And that included the prisons I take it?

2 A Yes, sir, and other institutions housing the
3 mentally disturbed and patients of that type.

4 Q Okay. Now with respect to the course content
5 of the training that you plan to offer -- and let me just
6 refer specifically to your testimony here.

7 (Pause.)

8 In your plan of instruction No. 7, which was
9 attached as an exhibit, on page 3, government response to
10 disasters, "The instructor will lecture on the development
11 of civil defense in the United States with an emphasis on
12 Pennsylvania and the evolvement into emergency management
13 will be explained and its present mission described. The
14 involvement of emergency management and planning for incidents
15 at fixed nuclear facilities will be described."

16 Will this include any mention of prisons and
17 evacuating prisons?

18 A Yes. This is the only -- Graterford is the only
19 penal institution in the Commonwealth and in the country,
20 as I understand it, that is in a 10-mile EPZ. But in this
21 case, yes, we would discuss that.

22 Q Due to this unique situation?

23 A Yes.

24 Q I see. Were you involved at all in the evacuation
25 planning for the Camp Hill facility?

Sim 8-13

1 A In what time? During TMI?

2 Q Yes.

3 A Yes.

4 Q And in what capacity were you in?

5 A I was at that time the Director of Training and
6 Education for PEMA and I was in charge of a couple of people
7 who were in the process of developing that evacuation plan
8 for not only Camp Hill but the entire area, at that time
9 20-mile area.

10 Q Now the course that you have offered, the
11 course that you are offering, do you see any particular
12 problems in that it is involving a prison as opposed to say
13 school children?

14 A No.

15 Q You don't anticipate the fact that the individuals
16 to be transported being inmates makes absolutely no difference
17 as far as you are concerned?

18 A No, I don't think so.

19 Q Will there be any offer of training in inmate
20 custody and control?

21 A No.

22 Q Do you feel it is necessary?

23 A No.

24 Q Now the Licensing Board in its third partial
25 decision stated that civilian bus drivers for school children

Sim 8-14

1 will receive training which will include "a general orientation
2 and overview of radiation principles, emergency management
3 principles, susceptibility of children to radiation, and
4 additional background information."

5 Will your course include these topics?

6 A Yes. When we discuss that, as you can see in
7 the plan of instruction in the area regarding dosimetry and
8 also in the decontamination monitoring procedures, we
9 discuss those general background principles and the use of
10 those instruments and so on. So it is all tied together.

11 Q Are you familiar with the course content that
12 the Board was referring to in this third partial decision?

13 A I don't know which ---

14 Q I believe it is offered by Energy Consultants.

15 A If Energy Consultants did it, that was introduced
16 to me prior to its being introduced to any of the students
17 and was approved by me in that regard.

18 Q Is your course more comprehensive than this
19 course?

20 A It is the same course.

21 Q It is the same course?

22 A Those people were certified by me.

23 Q How long does the course take?

24 A This course?

25 Q Yes.

Sim 8-15

1 A It says three hours or two and a half hours. It
2 is over on page 2 I believe. Two and a half hours on
3 page 2.

4 Q Two and a half hours. Fine.

5 Q When was this training offered?

6 A To whom?

7 Q To the bus companies, or to anyone with regard
8 to this particular issue?

9 A Okay. You mean in regard to the bus drivers?

10 Q And anyone else that might have been contracted
11 or is going to be?

12 A That are going to take care of Graterford?

13 Q Yes.

14 MR. HASSELL: Judge Hoyt, if I may. Before the
15 witness goes forward, Mr. Love, and I am speaking really
16 through Judge Hoyt. I believe the record is going to be
17 hopelessly difficult to understand unless we allow the
18 witness to finish and the witness allows you to finish.

19 JUDGE HOYT: Yes, I think you are right,
20 Mr. Hassell.

21 Accordingly, gentlemen, you are cautioned.

22 THE WITNESS: I think my testimony indicates
23 that on April 4 I believe of this year I sent a letter to
24 the six bus companies involved offering them the training.

25 BY MR. LOVE:

Sim 8-16

1 Q Have you received any responses to date?

2 A No, I haven't.

3 Q And that is the total offer that you have
4 generated is just a letter to the six bus companies?

5 A That is correct.

6 Q My clients, the inmate population, are very
7 concerned about the possibility that these drivers may
8 not show up. Is there any guarantees that you can provide
9 that these drivers will in fact be trained and will in
10 fact participate?

11 A I can only offer the training, and as I have
12 indicated also in my testimony, I will go out and personally
13 contact each of those six bus companies on a personal basis
14 attempt to persuade them to have their drivers go through
15 the training.

16 As far as some assurance from me, I don't think
17 you are asking the right person.

18 Q In other words, you cannot provide such assurance;
19 is that correct?

20 A That they going to show up?

21 Q Or that they are going to be trained.

22 A No, I can't provide assurances other than offering
23 them the training. I cannot offer any assurances that they
24 will be.

25 Q Will financial incentives be used to encourage

Sim 8-17

1 the drivers to participate in the training?

2 A I am not going to address that. However, that
3 has been considered and we have a process if that ever becomes
4 an issue.

5 Q Who would be the person to address that?

6 A To address the issue of ---

7 Q If financial incentives will be used.

8 A I think, you know, if that becomes an issue, and
9 if it is raised by the bus companies and they believe that
10 they want some sort of reimbursement for their employees,
11 then I would go back to the Department of Corrections and make
12 this known to them and they would have to then make the
13 arrangements because the contract is between them and the
14 bus companies and they would probably have to go back to
15 PECO and ask for the money to do such reimbursement.

16 Q Are you personally familiar with the bus companies?

17 A I know their names and addresses.

18 Q Are you familiar with whether their employees
19 are full or part-time?

20 A I have no idea.

21 Q Do you know they are unionized?

22 A I have no idea.

23 Q Now you -- and correct me if I am wrong -- you
24 were involved in other training for other personnel that
25 will be involved in this other than the Graterford inmates?

Sim 8-18

1 A Yes.

2 Q The civilian school bus drivers, for example?

3 A Yes.

4 Q And you have offered training to those companies

5 I assume?

6 A That training has been provided to those drivers.

7 Q It has been?

8 A Yes. It is done on a continuing basis, on a

9 regular basis.

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1 Q And what kind of response have you received?

2 A Offhand I can't say, except that the records
3 that I receive on a regular basis indicates that there is
4 relatively full compliance. I understand that we have more
5 than enough people trained than we need.

6 Q Now, if a bus driver is not trained, do you
7 think his ability to perform in this evacuation would be
8 greater or less?

9 A I don't think it makes any difference, because of
10 our concept of evacuation, the bus drivers are not ordinarily
11 going to be issued dosimetry, so they don't need to know that.

12 Q So they don't really even need the training,
13 is that what you are saying?

14 A It is my belief that they don't, no.

15 Q Do you think the fact that the drivers would be
16 called upon to drive into a nuclear emergency, and face the
17 dangers from incarcerated individuals will cause them some
18 concern and perhaps not show up?

19 MS. FERKIN: Objection.

20 JUDGE HOYT: I am getting all sorts of signals
21 here. I don't know who wants to object.

22 MR. CONNER: I yield to the State.

23 JUDGE HOYT: Wise idea, Mr. Conner.

24 MS. FERKIN: I was about to yield to the
25 Applicant.

1 JUDGE HOYT: Well, I yield to no one.

2 (Laughter.)

3 JUDGE HOYT: Your turn, Ms. Ferkin.

4 MS. FERKIN: A lack of foundation as to
5 -- one point the dangerousness of the inmates, the other
6 point was the state of the nuclear emergency.

7 Frankly, those two points there have been
8 foundation as to the hazard of the situation that these
9 bus drivers were facing.

10 JUDGE HOYT: Mr. Conner, I don't mean to
11 facetiously cut you off or anything. If you wish to contribute.

12 MR. CONNER: I agree with all the things Ms.
13 Ferkin said, and I will add to it it is way beyond this
14 contention as to training in this area.

15 JUDGE HOYT: I think on that basis -- Mr. Love,
16 do you wish to make any further comment before the Board
17 rules?

18 MR. LOVE: No. I will withdraw that question,
19 and move on.

20 JUDGE HOYT: Very well.

21 BY MR. LOVE: (Continuing)

22 Q Now, with respect to the ambulance drivers,
23 have they been contacted yet?

24 A They haven't.

25 Q When do you anticipate contacting them?

1 A In the same time frame that I contact the bus
2 drivers, the bus companies.

3 Q Can you give us any assurances that they will,
4 in fact, be trained?

5 A Based on my experience with other ambulance
6 drivers, I would say that the likelihood is that they would
7 accept the training.

8 MR. LOVE: I have nothing further.

9 JUDGE HOYT: Very well. Mr. Hassell, are you
10 ready. Mr. Love has completed his cross examination. I believe
11 you are next.

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12 CROSS EXAMINATION

13 BY MR. HASSELL:

14 Q Good afternoon, Mr. Taylor. My name is Mr.
15 Hassell, counsel for the NRC Staff. I just have a few
16 questions for you.

17 Would you please explain why the bus drivers
18 will not be issued dosimetry?

19 A Pennsylvania has a concept of one lift;
20 the concept includes going into the area prior to the need
21 for dosimetry, and removing the prisoners, so there wouldn't
22 be any need for issuance of dosimetry.

23 Q I believe you testified earlier in response
24 to cross examination by Mr. Love that training in the area
25 of inmate custody and control would not be necessary, is that

1 correct?

2 A That is correct.

3 Q Would you explain why not?

4 A The Department of Corrections is going to provide
5 the - on each bus that kind of custodial control, so the bus
6 drivers will merely drive these buses.

7 Q To your knowledge, is that also the case with
8 the ambulances?

9 A That is correct.

10 Q Do you have any reason to believe that the
11 training for the bus drivers will not take place because
12 of the absence of some financial inducement?

13 A That may be a factor, but I don't have any real
14 hard -- any real reason to believe that they won't accept
15 the training unless they have some financial inducement.

16 MR. HASSELL: If I may just have a moment.

17 (Pause.)

18 MR. HASSELL: I have no further questions.

19 JUDGE HOYT: You have any redirect?

20 MS. FERKIN: I do, Your Honor, but I ask for a
21 short break.

22 JUDGE HOYT: How short?

23 MS. FERKIN: Six minutes.

24 JUDGE HOYT: Very well. We will recess for
25 six minutes.

(Short recess taken.)

JUDGE HOYT: Very well. The hearing will come to order.

Let the record reflect that all the parties to the hearing that were present in the hearing room prior to the recess are again present.

The witness is taking his place on the witness stand. You have previously taken the oath here, and I am reminding you that you are still under oath.

Ms. Ferkin, are you ready to proceed?

MS. FERKIN: Yes, ma'am.

JUDGE HOYT: Please do so.

REDIRECT EXAMINATION

BY MS. FERKIN:

Q Mr. Taylor, Mr. Love asked you questions with respect to whether dosimetry would be provided for the civilian bus drivers who would respond to Graterford Limerick emergency, do you recall those questions?

A Yes.

Q What is your understanding as to whether dosimetry would be provided for bus drivers of civilian companies who would respond to Graterford?

A For the ones at Graterford?

Q Yes, for Graterford.

A The dosimetry, there will be dosimetry provided to

1 those bus drivers who will be driving the buses. The prisoner
2 himself from Graterford.

3 Q Do you know why that is as opposed to, for
4 example, drivers of school children?

5 A I believe that it is because of the time
6 factor. The time the bus drivers for Graterford would be
7 there in a potentially -- at a potentially dangerous time,
8 and for that reason they would be provided the dosimetry.

9 Q Could it take longer to evacuate the Graterford
10 Institution than it could to evacuate the schools within the
11 EPZ?

12 A I would assume so, yes.

13 Q Is that your understanding of why dosimetry
14 would be provided to these drivers?

15 A Yes.

16 Q Mr. Love also asked you, sir, whether you
17 thought training for the bus drivers who will respond to
18 Graterford would make a difference in their responses. Do
19 you recall those questions?

20 A Yes.

21 Q Would you tell me in your opinion why training
22 is being provided for these bus drivers?

23 A Well, many people don't understand dosimetry
24 and radiation and this will enhance their understanding of
25 that to enable them to have a better understanding of what

1 kind of an environment circumstance they might find themselves
2 in.

3 Q So, such training would, in your opinion, enhance
4 the understanding of these bus drivers?

5 A Yes.

6 MS. FERKIN: I have no further questions.

7 JUDGE HOYT: All right.

8 MR. CONNER: May I have a couple of clarifying
9 questions?

10 JUDGE HOYT: All right, Mr. Conner, go ahead.

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11 RECROSS EXAMINATION

12 BY MR. CONNER:

13 Q Mr. Taylor, on this point of dosimetry, if I
14 were a bus driver driving to Graterford to pick up some
15 prisoners, as you say, I would have dosimetry on me. It
16 would be a film badge and a -- what would it be?

17 A Well, CDD 730, or its equivalent, CDD 742.

18 JUDGE HOYT: Are you saying CB --

19 WITNESS: CD.

20 JUDGE HOYT: Charles Dog. All right. Go ahead.

21 WITNESS: And a TLD badge, thermal luminescent
22 dosimeter.

23 BY MR. CONNER: (Continuing)

24 Q Okay. Now, when I arrived at my destination and
25 delivered the prisoners, what would be done with that

1 dosimetry?

2 A It would be checked, read, and at least the
3 730s and 742s would be read, and if there was any real problem
4 then the TLD badges would be read if there was any need for
5 that, and the data recorded.

6 Q And in the event it were decided for some reason
7 -- I am the bus driver still, and I am entering the EPZ from
8 outside the EPZ, could training in dosimetry be given to me
9 on the spot, such as would be done for farm workers, for
10 example, who might be re-entering?

11 A Yes. There are provisions for that. A very
12 quick orientation.

13 MR. CONNER: Thank you. I have no other
14 questions.

15 MR. LOVE: Could I ask some additional questions
16 in reference to the redirect?

17 JUDGE HOYT: Yes. Proceed.

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18 RECROSS EXAMINATION

19 BY MR. LOVE:

20 Q Mr. Taylor, you stated a little earlier you
21 felt the training would make little difference, and now you
22 have stated that it would enhance the trainee's ability to
23 function, is that correct?

24 A Well, enhance their understanding of the potential
25 problem, yes.

1 Q And would it -- following that a little further,
2 if they did not have the training would it then be safe to
3 say that their ability to function during evacuation would
4 be lessened?

5 A No, I don't think so.

6 Q You don't think so?

7 A No.

8 Q All right, I Move on. Just for clarification,
9 you said earlier that dosimetry training would not be offered.
10 However, you are withdrawing that statement, and you are now
11 stating that it will be offered, is that correct?

12 MS. FERKIN: I object to the characterization
13 of the previous testimony. I don't think it was a statement
14 that dosimetry would not be offered.

15 MR. LOVE: Dosimetry training, or dosimeters, I
16 believe he stated, would not be offered earlier; and now you are
17 stating that it will be offered.

18 MR. CONNER: Object.

19 JUDGE HOYT: Let's have a ruling on the objection,
20 Mr. Love. If it is characterized inaccurately, Ms. Ferkin,
21 I am going to allow you to pick up the question on your
22 re-redirect, and perhaps clarify it in that fashion.

23 Go ahead, Mr. Love.

24 BY MR. LOVE: (Continuing)

25 Q Could you clarify what you were saying about

1 dosimetry and dosimeters -- dosimeters and dosimetry training?

2 MR. CONNER: We would object on the further
3 ground that on the initial cross-examination the witness was
4 asked no questions about dosimetry as such.

5 He was asked about training, and I am not sure
6 Mr. Love is making distinction in his own mind, at least,
7 in that question.

8 I think he needs to approach it a little more
9 fundamentally.

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JUDGE HOYT: Well, I think it's coming through fairly clearly, Mr. Conner. We will let the question be asked by the counsel.

Go ahead, Mr. Love.

WITNESS TAYLOR: Can you repeat that and tell me what you asked again?

MR. LOVE: Yes.

BY MR. LOVE: (Continuing)

Q I'm just trying to clear up your remarks regarding dosimetry training and the use of dosimeters with respect to these civilian bus drivers.

A The dosimetry training has been offered to them, will be offered to them again. The dosimetry, as I understand it, will be given to them at some point I guess when they arrive at the -- I'm not sure where the dosimetry is given to them, either at the home place where they gather and rendezvous before going to Graterford or at Graterford.

In any event, they get the dosimetry.

MR. LOVE: Fine. Thank you. Nothing further.

JUDGE HOYT: Mr. Conner, do you have anything as a result of that exchange?

MR. CONNER: No, thank you.

JUDGE HOYT: Mr. Ferkin?

MS. FERKIN: We have nothing further.

JUDGE HOYT: Mr. Hassell?

100-2-SueWal

MR. HASSELL: No, Judge Hoyt.

JUDGE HOYT: This is Judge Cole, and he will have some questions for you, Mr. Taylor.

BOARD EXAMINATION

INDEXXXX

BY JUDGE COLE:

Q Just one or two questions, Dr. Taylor. It has to do with Page 3 of your prepared testimony, Question 7 -- Answer 7.

Now, with respect to the personal letter that you sent to each of the six bus companies that will transport prisoners from Graterford in the event of an evacuation, were there any conditions stated in this letter for the training?

Was it identified, for example, that the training might be provided free of charge, or would be provided at no expense to them?

A Yes. It was made clear that it would be provided to them at no expense to them.

Q All right, sir. Now, in the last part of your answer to Question -- well, at the bottom of Page 3, you state: "To date, no responses from these six bus companies have been received."

I just wanted to make sure that I understand what is meant by that term. Does that mean any kind of communication, or does it mean something other than that?

A No. I haven't heard from the bus companies at

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all.

2 Q Not even a phone call?

3 A No, sir.

4 JUDGE COLE: All right, sir. Thank you. That's
5 all I have.

6 JUDGE HOYT: Judge Harbour.

7 BOARD EXAMINATION

INDEXXX

8 BY JUDGE HARBOUR:

9 Q Following up on Judge Cole's, you said offered
10 at no expense to the bus companies. Is that correct?

11 A That's correct.

12 Q Would not the wages that the men would earn while
13 training be an expense to the bus company?

14 A I would think so unless the bus company -- I
15 don't know how they were going to do that. We didn't talk
16 in details.

17 I haven't been contacted by them.

18 Q So what did you mean then by no expense to the
19 bus companies?

20 A Well, no expense to them. It was not that we
21 were going to charge them tuition or anything like that.

22 Q So, it's a free course?

23 A Right.

24 Q How difficult is it to read a dosimeter? Is
25 it like a fever thermometer perhaps, as difficult as that,

more difficult than that?

2 A No, it's about the same difficulty I would think.

3 Q What about the other aspects of dosimetry train-
4 ing? Does it involve any complex, technical understanding?

5 A No. We provide the various levels of radiation
6 that they might read from their dosimeter and then indicate
7 what course of action they should take if their dosimeters or
8 one of their dosimeters would show that reading, we would
9 bring out those various levels as indicated in the plan of
10 instruction.

11 Q Now, has potassium iodide been provided along
12 with the dosimeters for the bus drivers, or will it be
13 provided? Is it in the plan?

14 A I'm not sure of that.

15 Q Now, I think in your prepared testimony you
16 said that you will contact the ambulance companies or the
17 ambulance operators.

18 And I thought that I heard you just now say
19 that you have contacted them. Which --

20 A No. No, I have not yet contacted the ambulance
21 drivers. But I intend to do so at the same time as I
22 contact personally the bus companies.

23 Q So, you are talking here about the ambulance
24 operators when you say ambulance drivers?

25 A Right. I believe it's one company, although I'm

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not quite sure of that.

2 Q When do you intend to contact the ambulance
3 companies?

4 A I'm going to do that at the end of this month
5 or the early part of August.

6 Q The Applicant has offered to provide this
7 training through energy consultants, and as I understand
8 it the State of Pennsylvania has said it's their responsi-
9 bility, that they intend to offer it.

10 Do you have adequate staff to offer this training
11 in terms of numbers of people and the qualifications of the
12 people?

13 A Yes, I do.

14 JUDGE HARBOUR: That's all I have.

15 JUDGE HOYT: Are there any additional questions?

16 MR. LOVE: May I ask one additional question
17 along that same line?

18 JUDGE HOYT: What is the nature of the question?

19 MR. LOVE: Do the letters --

20 JUDGE HOYT: What's the nature of the question,
21 Mr. Love?

22 MR. LOVE: With regard to the letters that were
23 sent to the bus drivers.

24 JUDGE HOYT: All right. Go ahead.

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BY MR. LOVE:

2 Q Do the letters indicate in any way that the
3 training will involve evacuating a prison? Or, is it just
4 offered with respect to the radiological aspects of the training?

5 A I'm not quite sure I understand.

6 Q Does the letter --

7 MR. CONNER: I think the question goes beyond the
8 contention.

9 JUDGE HOYT: May I have that question again, Mr.
10 Love?

11 MR. LOVE: Does the letter sent to the bus
12 companies offering training indicate in any way whether it
13 involves a prison evacuation?

14 JUDGE HOYT: You think that is beyond the scope
15 of the --

16 MR. CONNER: I think that was slightly different.
17 I thought he had said that the training or any training about
18 the evacuees from the prisoners, the inmates.

19 JUDGE HOYT: Well, the question he is asking
20 is the one he has just asked, Mr. Conner.

21 MR. CONNER: I withdraw the objection.

22 JUDGE HOYT: Very well, because it was going to
23 be overruled.

24 Proceed.

25 BY MR. LOVE: (Continuing)

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2 Q Does the letter indicate anything about the
fact that it would involve a prison evacuation?

3 A It refers to the fact that the bus drivers
4 will be evacuating prisoners from Graterford.

5 MR. LOVE: Fine. Thank you.

6 JUDGE HOYT: All right. Do we have any other
7 questions?

8 (No reply.)

9 Very well. Is there any reason for this
10 witness to be retained?

11 (No reply.)

12 None, Ms. Ferkin?

13 MS. FERKIN: I have nothing further.

14 JUDGE HOYT: Very well. No one intends to
15 recall you, then. Thank you for your testimony, Mr. Taylor,
16 and you are excused, sir.

17 (The witness stood aside.)

18 Very well. The Board will recess this evening,
19 to meet tomorrow morning at 9:30. In anticipation that you
20 may wish to have this transcript of today's hearings available
21 before the hearing begins tomorrow, is there any desire to
22 have this available before 9 o'clock at this hearing site?

23 I'm talking about the daily transcripts.

24 MR. HASSELL: If that's possible, because I'm
25 in the posture of Dr. Urbanik arriving this evening --

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JUDGE HOYT: Yes.

MR. HASSELL: -- and I would obviously would want him to have available Mr. Zimmerman's testimony.

JUDGE HOYT: Yes. I frankly will have to say that that was part of the reason that I made the inquiry, Mr. Hassell, to determine when we could get those transcripts available.

Would you wish it any earlier than that?

MR. HASSELL: I think that will be sufficient.

JUDGE HOYT: Nine o'clock. Very well. Then --

MR. CONNER: I'm sorry. Are we talking about 9 o'clock tonight or 9 o'clock tomorrow morning?

JUDGE HOYT: No, we are talking about 9 o'clock tomorrow morning.

If that's not clear, that is what time I'm talking about.

MR. CONNER: If the transcripts were to be available earlier, we would appreciate knowing about it so that we could pick them up, because we do intend to submit findings --

JUDGE HOYT: Yes.

MR. CONNER: -- along with our oral argument, and that would expedite our review a little bit. But on the other hand, if it's an imposition on the Board in any way we don't do it.

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JUDGE HOYT: No, it's not an imposition on the Board. We don't type, Mr. Conner.

But the Reporters have told me that they can have this available earlier if there were to be some need for having it earlier. This is assuming that their support staff arrives in time --

MR. CONNER: Oh.

JUDGE HOYT: -- and I think it will arrive in time; it has never failed in the past.

So that if you wish to have it earlier, if you would tell me how much earlier that you would want that perhaps we can relay that through to our Reporters and they can make the arrangements accordingly.

MR. CONNER: Okay. We will talk to the Reporter about it and maybe get a partial transcript and then have it rebound. But I see --

JUDGE HOYT: I simply don't want the transcript being made available to one party earlier than it would be made available to any other party.

MR. CONNER: Okay.

JUDGE HOYT: I assume that all parties here have ordered copies of the transcript, the daily transcript; am I correct in that?

Have you ordered it, Mr. Love?

MR. LOVE: I have not.

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1 JUDGE HOYT: Do you intend to order one? You
2 may if you wish.

3 MR. LOVE: I will have to find out more details
4 regarding the cost and get approval from my boss.

5 JUDGE HOYT: Now, Mr. Love, you came to this
6 hearing knowing pretty much what the cost of transcripts are.
7 You are a practicing attorney in this jurisdiction. I find
8 that a little hard to accept as an excuse.

9 MR. LOVE: You should meet my boss.

10 (Laughter.)

11 JUDGE HOYT: We will recess then to meet
12 tomorrow morning at 9:30. Any party who may wish to get
13 an earlier transcript will be afforded that opportunity if
14 they wish.

15 (Whereupon, the hearing is recessed at 5:02 p.m.,
16 Monday, July 15, 1985, to reconvene at 9:30 a.m.,
17 Tuesday, July 16, 1985.)

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19 ENDDDDD

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

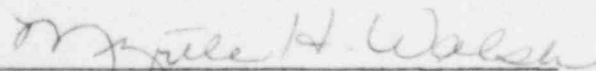
NAME OF PROCEEDING: PHILADELPHIA ELECTRIC COMPANY
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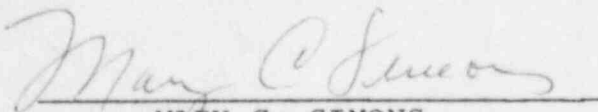
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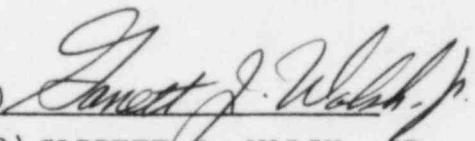
were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.



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