

ORIGINAL

OFFICIAL TRANSCRIPT  
PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DKT/CASE NO. 50-247 SP and 50-286 SP  
TITLE CONSOLIDATED EDISON COMPANY OF NEW YORK  
(Indian Point Unit 2 - POWER AUTHORITY OF THE  
STATE OF NEW YORK (Indian Point Unit 3)  
PLACE White Plains, New York  
DATE January 14, 1983  
PAGES 5857 thru 6041

*Send 1 copy to Joan Aron, OPE  
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**AR**  
ALDERSON REPORTING

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4 -----x  
5 In the Matter of: : Docket Nos.:  
6 CONSOLIDATED EDISON COMPANY OF NEW YORK :  
7 (Indian Point Unit 2) : 50-247 SP  
8 POWER AUTHORITY OF THE STATE OF NEW YORK :  
9 (Indian Point Unit 3) : 50-286 SP  
-----x

10 Ceremonial Courtroom  
11 Westchester County  
12 Courthouse  
13 111 Grove Street  
14 White Plains, N.Y.

15 Friday, January 14, 1983

16 The hearing in the above-entitled matter  
17 convened, pursuant to notice, at 9:11 a.m.

18 BEFORE:

19 JAMES GLEASON, Chairman  
20 Administrative Judge

21 OSCAR H. PARIS  
22 Administrative Judge

23 FREDERICK J. SHON  
24 Administrative Judge

25 RUTH ANN MILLER,  
Legal Assistant to the Board



## 1 APPEARANCES:

2 On behalf of Licensee, Consolidated Edison Company  
3 of New York:4 BRENT L. BRANDENBURG, Esq.  
5 Assistant General Counsel  
6 STEVEN SOHINKI, Esq.  
7 THOMAS FARRELLY, Esq.  
8 Consolidated Edison Company of New York, Inc.  
9 4 Irving Place  
10 New York, N.Y. 1000311 On behalf of Licensee, the Power Authority of the  
12 State of New York:13 JOSEPH J. LEVIN, Esq.  
14 Morgan Associates, Chartered  
15 1899 L Street, N.W.  
16 Washington, D.C. 2003617 DAVID H. PIKUS, Esq.  
18 RICHARD F. CZAJA, Esq.  
19 Shea and Gould20 On behalf of the Nuclear Regulatory  
21 Commission Staff:22 DONALD HASSELL, Esq.  
23 Washington, D.C.24 On behalf of the Federal Emergency Management  
25 Agency:

STUART GLASS, Esq.

On behalf of the Intervenors:

Council of the City of New York:

CRAIG KAPLAN, Esq.

## 1 APPEARANCES: (Continued)

2 On behalf of Intervenors:

3 New York Public Interest Research Group:

4 JOAN HOLT, Esq.

5 Ninth Legislative District, Westchester County:

6 RICHARD BRODSKY, Esq.

7 Parents Concerned About Indian Point:

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19 Village of Buchanan:

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21 WALTER BLAICH

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23 West Branch Conservation Association:

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25 ZIPPORAH S. FLEISHER

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27 443 Buena Vista Road

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30 Westchester County:

31

32 LAURIE VETERE, Esq.

33

34 Westchester People's Action Coalition, Inc.:

35

36 CHARLES SCHEINER

37 JAMES MURPHY

38

39 P.O. Box 488

40 White Plains, N.Y. 10602

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C O N T E N T S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Alfred D. DelBello				
By Ms. Vetere	5863			
By Mr. Czaja		5867		
By Mr. Brandenburg		5914		
By Ms. Rodriguez		5961		
By Mr. Scheiner		5988		
By Mr. Kaplan		6011		
By Mr. Glass		6030		

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
PA-20	5869	5870
PA-21	5872	5873
PA-22	5875	5876
PA-23	5878	5879
PA-24	5882	
PA-25	5888	
PA-26	5890	5891
PA-27	5896	

LAY-INSPAGE

Direct supplemental and amended testimony of Mr. DelBello, received in evidence follows:	5865
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RECESSES:      END 6041

P R O C E E D I N G S

1  
2 JUDGE GLEASON: If we can get started,  
3 please.

4 Just one word about the proposal by FEMA to  
5 rearrange their position on the schedule. We will  
6 consider that over the weekend and announce that  
7 sometime next week, which will be adequate time for any  
8 adjustment to be made.

9 I do want to point out to all of the parties  
10 that the schedule requires or requests, if there are any  
11 responses by the parties to the Board's reformulation of  
12 contentions under questions 3 and 4, those responses are  
13 due by January 24th. So I just want you to remember  
14 that. We did not include that in the order, but the  
15 schedule is there, so we assume that you are familiar  
16 with it.

17 Yes.

18 MS. HOLT: That has not arrived. We have not  
19 received the document yet.

20 MS. FLEISHER: Nor we.

21 JUDGE GLEASON: You have not received the  
22 Board's -- that sounds almost impossible to me.

23 MR. KAPLAN: I never got the original. I got  
24 the one we were on page 14 just yesterday afternoon. I  
25 never got the first one.

1 MR. SCHEINER: I just checked our post office  
2 box ten minutes ago. We haven't got it.

3 MS. HOLT: We haven't, either.

4 JUDGE PARIS: I would guess that if it reached  
5 New York City yesterday afternoon, it might reach  
6 Westchester and Rockland Counties today.

7 MS. HOLT: It never reached New York City. It  
8 reached Mr. Kaplan, but not our office in New York  
9 City.

10 JUDGE GLEASON: Well, Mr. Kaplan is in New  
11 York City, isn't he?

12 MR. KAPLAN: Yes.

13 JUDGE GLEASON: All right.

14 JUDGE PARIS: He probably gets more mails per  
15 day than you do.

16 JUDGE GLEASON: If you would call your offices  
17 sometime today and let us know. We'll get on the phone  
18 again.

19 MS. Fleisher?

20 MS. FLEISHER: I'm sorry to bother you, sir,  
21 but we haven't received some of the testimony either for  
22 next week, and we will find it particularly burdensome  
23 to have to do both, to peruse the testimony -- we have  
24 none from the Staff yet. We just received some today  
25 from PASNY. We did receive in the mail from Con Ed

1 yesterday testimony for next week.

2           So if we have to meet that 24th deadline on 3  
3 and 4, I might have to ask you for a delay.

4           JUDGE GLEASON: We'll take that under  
5 advisement at that time.

6           MR. LEVIN: Your Honor, I didn't hear Mrs.  
7 Fleisher. You do have our testimony, right?

8           MS. FLEISHER: I said you just gave it to me.

9           JUDGE GLEASON: She said she just got it.

10          MR. BRANDENBURG: Mr. Chairman, regarding Mr.  
11 Glass' application to change the emergency planning  
12 phase of the case as it pertains to the FEMA position,  
13 will the Board be disposed to hear from the parties on  
14 that before making its rulings?

15          JUDGE GLEASON: If we get some time today, I  
16 will allow time. But otherwise, I just really don't  
17 want to get a whole brief on the subject.

18          MR. BRANDENBURG: I don't see Mr. Glass with  
19 us this morning.

20          JUDGE GLEASON: Well, I think his position is  
21 fairly well stated and is clearly understood. So I'll  
22 try to get five minutes in, so be prepared.

23          All right, Mrs. Vetere, let us proceed,  
24 please.

25          MS. VETERE: I now call for my final witness

1 Alfred D. DelBello, Lieutenant Governor of the State of  
2 New York.

3 JUDGE GLEASON: Mr. DelBello.

4 Whereupon,

5 ALFRED D. DELBELLO,  
6 called as a witness by counsel for Westchester County,  
7 having first been duly sworn by the Chairman, was  
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. VETERE:

11 Q Mr. DelBello, would you please state your full  
12 name, address, and occupation for the record?

13 A (WITNESS DELBELLO) Alfred D. DelBello,  
14 Makepeace Hill, South Salem, New York. I'm Lieutenant  
15 Governor of the State of New York.

16 Q Do you have your direct testimony before you?

17 A (WITNESS DELBELLO) Yes, I do.

18 Q Did you prepare this direct testimony  
19 consisting of four pages, your supplemental testimony  
20 consisting of three pages, and your amended testimony  
21 consisting of three pages?

22 A (WITNESS DELBELLO) I supervised its  
23 preparation.

24 Q Are you familiar with it?

25 A (WITNESS DELBELLO) Yes, I am.

1 Q Do you have any additions or corrections that  
2 you'd like to make to assure that your testimony is up  
3 to date at this time?

4 A (WITNESS DELBELLO) No.

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

7 A (WITNESS DELBELLO) Yes, it is.

8 MS. VETERE: I now move for the admission of  
9 the direct testimony of Alfred D. DelBello and ask that  
10 it be bound into the record as if read.

11 JUDGE GLEASON: Is there objection?

12 MR. CZAJA: Judge, I would just like one  
13 clarification. Mr. DelBello said he had no amendments  
14 to his testimony, but this morning Ms. Vetere  
15 distributed a number of pages of amended pages.

16 JUDGE GLEASON: She referred to that in her  
17 opening remarks, "plus his amended testimony."

18 MR. CZAJA: I'm sorry. Thank you.

19 JUDGE GLEASON: Any objection to the admission  
20 of the testimony as supplemented, as amended?

21 (No response.)

22 JUDGE GLEASON: Hearing none, the testimony  
23 will be bound into the record as if read. It will be  
24 received in the record as if read by Mr. DelBello.

25 (The documents referred to, the direct,



1 supplemental and amended testimony of Mr. DelBello,  
2 received in evidence, follows:)

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TESTIMONY OF WESTCHESTER COUNTY EXECUTIVE

ALFRED B. DEL BELLO

My name is Alfred B. DelBello. I have been County Executive of Westchester County, N.Y. since January, 1974. Prior to that I was Mayor of the City of Yonkers for four years.

By education I am an attorney and I practiced law prior to my election as County Executive.

As an elected Mayor and as Chief Executive Officer of Westchester County I have been called upon to coordinate or lead the response to a number of emergencies in Westchester County requiring the deployment of emergency services, for disasters such as fires, flooding, aircraft crashes, a train wreck, and others. Never have we been called upon, or have we planned or equipped ourselves for a disaster of the scope and magnitude contemplated as possible by the nuclear radiological response plan, required by the NRC, and produced by consultants to the utilities during 1980-1981.

I organized the Four County Nuclear Safety Committee in May of 1979 to work on safety issues associated with Indian Point. Our Committee is made up of the County Executives of Westchester, Orange, Putnam and the Legislative Board Chairman of Rockland County. In addition the Health Commissioners and Disaster and Emergency Services Directors of the Four Counties are standing members. This is purely a voluntary ad hoc committee, not bound together by contract or law.

Our agenda has been to analyze Indian Point safety issues, work for state legislation that would improve power plant safety operations and emergency management statewide, and to seek strict regulation by the NRC regarding Indian Point. We have offered cooperation, consultation, and advice to the utilities, their consultants, state and federal officials during the writing of the emergency response plan from mid-1980 on. The plan was required by the NRC as a regulation imposed on the licensees and not on the counties. The licensees chose the means and the consultants who drafted the plan, and controlled the project from the beginning until April 1, 1982, when the state assumed this responsibility on their own initiative.

I have approached this issue from two basic policy positions. One is the need to maintain absolute faith and credibility with the public of Westchester County who look to us for leadership on the issue of safety. The second policy position is the need to internalize the cost of nuclear power plant safety within the nuclear industry itself. These costs should not be borne by local taxpayers, since in Putnam, Rockland, and Orange counties local taxpayers or ratepayers receive absolutely no benefits of the plants - no electrical energy, no property taxes, and few, if any, jobs. There are no benefits and only hazards to these counties associated with these plants. By the same token, our requests for equipment, training, staffing, and further plan revisions, all at utility expense, does not mean we are looking for a windfall or back door funding for general emergency response preparedness that we should be buying ourselves. We have only sought the incremental costs associated with specific duties outlined in these emergency plans.

However, even minimal funding has so far not been forthcoming from the state. State legislation was enacted last year to create a \$1.2 million annual fund, paid by the nuclear operating utilities, to cover state and county costs associated with these emergency radiological response plans. However, at our meeting on May 24th in Albany with all ten counties in the state involved in emergency radiological response planning, we all concurred that the \$1.2 million per year is completely inadequate to meet the total statewide need.

Then there is the issue of the emergency response plans themselves, as they were drafted, modified, and tested in the Indian Point #3 drill on March 3rd. My key department heads have provided testimony on their experiences and their considered judgements regarding these plans are their own professional opinions.

I concur that many of the exposed weaknesses of this 10 mile radius plan are correctable with an infusion of the resources needed. What remains questionable, however, from either a planning, a resources, or a management standpoint, is the ability of the County or the State to conduct a 10 mile radius evacuation of 130,000 people in Westchester County in seven hours in the face of possible or actual major offsite radiological release. My own experience with emergencies is that nothing ever goes exactly according to plan, that problems develop within problems, and even minor complications become most difficult to manage, especially if stress and confusion are also part of the scenario. Under any conditions and based on the recent drill, I do not believe we could evacuate all of the Westchester residents, the special populations of handicapped and disabled persons, the school children, the hospitals, nursing homes, and other immobil

persons, all in 7 to 9 hours time. The evacuation plan as a plan is flawed for reasons presented in Mr. Jurkowski's testimony regarding lack of centralized command and control, lack of training, equipment, and enough drivers in the summer time, plus the two wave evacuation concept.

Under the best meteorological circumstances, under the best devised plan and with the recent drill experience behind us, I do not believe the County could evacuate major portions or all of the 10 mile radius EPZ in under something approaching 30 to 36 hours. I say that because of all the problems associated with a plan of major complexity, with such population density, our narrow roads, and limited resources available to evacuate. This militates against any rapid movement out of the area by car, bus, and special vehicle. A rapid evacuation would mean chaos. A completely pre-planned yet slow, step by step evacuation is all that could be hoped for at best. For all of these reasons, and since in the worst case scenario where a major offsite release might occur, I understand that such a release would occur well before 30 to 36 hours into the accident. Thus, the ability to guarantee safe haven for everyone inside the 10 mile zone in Westchester is not there.

Supplemental Testimony of  
Alfred B. DelBello  
Westchester County Executive  
Lieutenant Governor-Elect  
State of New York

On August 3, 1982 the Nuclear Regulatory Commission initiated a 120-day regulatory clock against the facilities located at Indian Point, after determining that there existed significant deficiencies in five planning areas in the off-site state and local emergency response plans for these plants. The 120-day regulatory clock expired on December 3, 1982. After a careful and extensive review of the emergency response plans for Indian Point, I have determined that although we are in an improved position over a year ago, the state of emergency planning and preparedness in Westchester County is still inadequate.

Our major problems remain the lack of a workable mass transit component, and the lack of sufficient equipment and training to carry out our responsibilities under the plan. The testimony of the Westchester County officials represents an honest appraisal of our response capabilities. My advice to county department officials since their involvement in this issue has always been one of total honesty about these plans.

A "good faith" effort was made by federal and state agencies, and by the utility companies during the 120-day period to correct deficiencies, but so far, unique population

and logistical related problems at the Indian Point site remain unsolved. I believe that money could solve our problems relative to training and equipment, but that in the area of transportation, profound logistical problems remain. This problem was confirmed by FEMA in their Updated Report of December 16, 1982 on the adequacy of radiological emergency response preparation of state and local governments.

Chapter 708, a law which assessed each nuclear reactor in the state \$250,000 and created a fund of \$1.5 million to assist state and local governments with their emergency response plans was enacted in July of 1981. In November of 1982, Westchester received its share of that fund, \$94,000, with the state retaining about \$1.1 million and distributing the remaining \$350,000 to seven other counties involved in emergency planning. Our allotment will be helpful in getting some of the most basic communications and protective equipment needed for a response, however, our current minimum necessary radiological emergency response budget of \$1.8 million exceeds even the total fund created under Chapter 708.

New legislation must be supported at the state level to accommodate the needs of those county and local governments having primary responsibilities under these plans, and to create a guaranteed flow of monies to those county and local governments.

In conclusion, the purpose of these proceedings is to determine the safety of the nuclear plants located at Indian Point. Emergency planning and preparedness is an integral part of determining the risks associated with continued plant operation. The testimony of the Westchester County officials demonstrates that reasonable assurance that adequate protective actions can and will be taken in the event of a major radiological emergency at Indian Point cannot be given to the public at this time. The safety of those residents within the 10 mile zone demands that efforts continue to improve these plans and to make these plans, in the least , in full compliance with NRC regulations on emergency planning and preparedness.



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

INDIAN POINT PROCEEDING

AMENDED TESTIMONY

BY

ALFRED B. DELBELLO  
LIEUTENANT GOVERNOR  
STATE OF NEW YORK  
JANUARY 14, 1983

MY ORIGINAL PRE-FILED TESTIMONY WAS SUBMITTED IN DECEMBER, 1982 IN MY CAPACITY AS WESTCHESTER COUNTY EXECUTIVE. SINCE THEN MY OFFICIAL STATUS HAS CHANGED. I NO LONGER TESTIFY AT THIS HEARING AS WESTCHESTER COUNTY EXECUTIVE. I OBVIOUSLY RETAIN THE KNOWLEDGE AND FIRST HAND EXPERIENCE THAT I GAINED BY WORKING WITH THE INDIAN POINT EMERGENCY RESPONSE PLANS AND RELATED DRILLS OVER THE PAST TWO YEARS AS WESTCHESTER'S CHIEF EXECUTIVE. I CAN STILL COMMENT BASED ON THAT PERSPECTIVE AND EXPERIENCE.

HOWEVER, I APPEAR TODAY AS LIEUTENANT GOVERNOR OF THE STATE OF NEW YORK. WHAT I SAY WITH REGARD TO INDIAN POINT ARE POLICY POSITIONS THAT I WILL RECOMMEND AS STATE POLICIES AND APPROACHES TO THE PROBLEMS ASSOCIATED WITH EMERGENCY RADIOLOGICAL PLANNING AND PREPAREDNESS. GOVERNOR CUOMO HAS EXPRESSED DEEP CONCERN OVER THE ACTIONS BY THE N.R.C. IN TAKING LIGHTLY FINDING BY F.E.M.A. AND WESTCHESTER COUNTY REGARDING DEFICIENCIES IN EMERGENCY PLANNING. AS A RESULT, ALL STATE POLICY POSITIONS REGARDING THIS ISSUE ARE UNDER REVIEW BY THE GOVERNOR, AND THE STATE ADMINISTRATION IS REASSESSING ITS ROLE AND RESPONSIBILITY FOR ASSURING THE SAFETY OF THE POPULATION SURROUNDING INDIAN POINT.

TO THIS END, I WILL BE SUBMITTING TO THE GOVERNOR A CRITIQUE AND ANALYSIS OF ALL DISASTER PREPAREDNESS POLICIES REGARDING RADIOLOGICAL EMERGENCY PLANNING, AS WELL AS RECOMMENDATIONS FOR ANY NECESSARY

insert #7c  
1/14/83

ADJUSTMENT OF RESPONSIBILITIES OF THE STATE DISASTER PREPAREDNESS COMMISSION.

THESE ACTIONS REFLECT NEW YORK STATE'S PERCEPTION THAT THE PROBLEMS AT INDIAN POINT CONTINUE, AND THE N.R.C.'S MOST RECENT ACTION WILL REQUIRE ACCELERATED ACTION ON THE PART OF THE STATE.

IN MY VIEW, STATE POLICY WITH REGARD TO APPROVAL OF OFF-SITE EMERGENCY PLANS MUST INVOLVE FULL AND LITERAL INTERPRETATION OF THE REQUIREMENTS OF N.R.C. REGULATIONS. WE SHOULD NOT FORWARD FOR APPROVAL ANY STATE DISASTER PREPAREDNESS PLAN WHICH INCLUDES AS PART OF IT, RADIOLOGICAL EMERGENCY RESPONSE PLANS THAT ARE NOT FULLY WORKABLE AND IMPLEMENTABLE, WITH ALL COMPONENTS IN PLACE.

FURTHER, IN DETERMINING THE WORKABILITY OF EMERGENCY PLANS, THE STATE MUST SEEK IMPROVE STATE AND LOCAL COOPERATION WITH THE LOCAL GOVERNMENTS RESPONSIBLE FOR IMPLEMENTING THESE PLANS. AT INDIAN POINT, NON-PARTICIPATION BY ROCKLAND COUNTY IN THE STATE'S EMERGENCY PLANNING EFFORT PRESENTS A POTENTIALLY IMPOSSIBLE LOGISTICAL PROBLEM, AND OF ITSELF FORMS ONE OF THE BASES UPON WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS DEEMED EMERGENCY PREPAREDNESS TO BE INADEQUATE AT INDIAN POINT.

THE STATE MUST SEEK TO RE-ESTABLISH THE PARTICIPATION OF ROCKLAND COUNTY IN A COORDINATED EFFORT WITH WESTCHESTER, PUTNAM, AND ORANGE COUNTIES TO DEVELOP AND ASSESS THE WORKABILITY OF EMERGENCY RESPONSE PLANS.

AS YOU KNOW, FOR MORE THAN TWO YEARS, MY ADMINISTRATION IN WESTCHESTER COUNTY WORKED ACTIVELY AND COOPERATIVELY WITH THE STATE, THE UTILITIES AND F.E.M.A. TO CORRECT DEFICIENCIES IN THE PLANS ORIGINALLY SUBMITTED BY THE UTILITIES IN JANUARY, 1981. AS REPORTED TO THE N.R.C. ON

DECEMBER 6, 1982, AT THE CLOSE OF THE "120-DAY REGULATORY CLOCK", PROGRESS HAS BEEN MADE IN CORRECTING SEVERAL OF THE DEFICIENCIES NOTED BY F.E.M.A. AND WESTCHESTER COUNTY OVER THE PAST YEAR. HOWEVER, SIGNIFICANT DEFICIENCIES CONTINUED TO EXIST IN THE TRANSPORTATION COMPONENT OF THIS PLAN AS APPLIED TO WESTCHESTER. THERE HAS BEEN LITTLE APPARENT MOVEMENT OR PROGRESS IN THIS AREA. THE EQUIPMENT AND TRAINING PROBLEMS SHOULD BE A CORRECTABLE, ASSUMING AN INFUSION OF SIGNIFICANTLY LARGER AMOUNTS OF FINANCIAL AND TECHNICAL RESOURCES. HOWEVER, IF THE PLANNING CONCEPTS FOR TRANSPORTING PEOPLE FROM THE 10 MILE EMERGENCY PLANNING ZONE ARE NOT CHANGED SIGNIFICANTLY, I DON'T BELIEVE THE PATIENCE AND FORBEARANCE OF THE PUBLIC AND EVENTUALLY THE REGULATORY AGENCIES WILL OR SHOULD ALLOW THE UTILITIES TO CONTINUE TO OPERATE WITH THESE EXISTING PLANS.

1 BY MS. VETERE: (Resuming)

2 Q Mr. DelBello, could you give us a brief  
3 summary of your testimony?

4 A (WITNESS DELBELLO) Well, basically the  
5 testimony which I'm submitting this morning recognizes  
6 the fact that during most of the emergency preparedness  
7 planning I was County Executive of Westchester, but that  
8 I'm no longer in that position. I am now a state  
9 official. However, I still remember a great deal of the  
10 experiences I had during that point in time.

11 But as a state official, I have discussed this  
12 area of concern and we are in a position to be able to  
13 say that the goal, on behalf of Mario Cuomo, the  
14 Governor of the State of New York, is to assure a degree  
15 of preparedness sufficient to give people the reliance  
16 that they have a reasonable amount of safety in their  
17 homes surrounding these plants; and that the State of  
18 New York has to work closer with the communities and  
19 with the local governments to ensure the effectiveness  
20 of these emergency plans; and that we have to take the  
21 regulations of the NRC serious and literal, and these  
22 plans must meet those regulations basically without  
23 variance.

24 I then go on to identify the fact that in my  
25 opinion the transportation component of the plan for

1 Westchester County is still inadequate to meet the needs  
2 of evacuation, and that the nonparticipation of Rockland  
3 County in the plan is a serious deficiency; and that,  
4 although training and equipment is still very badly  
5 needed to bring the plan to a workable state, if  
6 commitment is made to the resources essential in those  
7 areas, those areas of the plan could probably be  
8 corrected. But a much firmer commitment is going to be  
9 needed than is already in place.

10 MS. VETERE: Thank you.

11 Mr. Chairman, I have no further questions at  
12 this time.

13 JUDGE GLEASON: All right.

14 MR. CZAJA: May I proceed, Your Honor?

15 JUDGE GLEASON: Please.

16 CROSS EXAMINATION ON BEHALF OF  
17 LICENSEE POWER AUTHORITY

18 BY MR. CZAJA:

19 Q Mr. DeIBello, my name is Richard Czaja and I  
20 represent the Power Authority of the State of New York.

21 I would first like to discuss the history, in  
22 effect, of the emergency plan that you describe on pages  
23 1 and 2 of your original testimony. My associate David  
24 Pikus is going to give you a copy of a document which is  
25 Exhibit PA-16 in evidence in this matter.

1           Does your signature appear at page 2 of that  
2 document?   And for the record, I would say that the  
3 document is the 1977 radiological response plan, Indian  
4 Point facility.

5           A       (WITNESS DELBELLO) Yes.

6           Q       Could you describe your role in the  
7 preparation of Exhibit PA-16?

8           A       (WITNESS DELBELLO) I believe I had a limited  
9 role in the preparation of it. Our Office of Disaster  
10 and Emergency Services prepared this plan on its own  
11 initiative. At the time I believe I read it and signed  
12 it.

13          Q       I am now going to turn to the 1980 period, Mr.  
14 DelBello, when the present plans began to be developed.  
15 Could you describe the role of the County of Westchester  
16 in the selection of consultants who worked on the  
17 present Westchester plan?

18          A       (WITNESS DELBELLO) To my knowledge we had no  
19 role whatsoever.

20          Q       I'm going to ask Mr. Pikus to distribute a  
21 document to you, to the Board, and to the parties, which  
22 I will ask to be marked as Exhibit PA-20. This is a  
23 letter from Mr. DelBello to Mr. Jack Watson dated  
24 January 9, 1980.

25                 JUDGE GLEASON: The letter will be marked for

1 identification as PA No. 20.

2 (The document referred to  
3 was marked Exhibit No.  
4 PA-20 for  
5 identification.)

6 (Pause.)

7 WITNESS DELBELLO: I have read it.

8 BY MR. CZAJA: (Resuming)

9 Q Mr. DelBello, can you identify the document  
10 that has been marked as Exhibit PA No. 20?

11 A (WITNESS DELBELLO) It is a letter of January  
12 9th, 1980, signed by me, to Mr. Jack Watson, Assistant  
13 to the President of the United States for  
14 Intergovernmental Relations, in which I thank you for  
15 helping us arrange a meeting with the NRC, "us" being  
16 the Four-County Nuclear Safety Task Force, in which I  
17 express on behalf of Westchester and the Four-County  
18 Task Force our willingness to cooperate as extensively  
19 as we can in the development of these plans.

20 Q I think that is a sufficient identification  
21 for the record, Mr. DelBello.

22 MR. CZAJA: I offer PA No. 20 in evidence.

23 JUDGE GLEASON: Is there objection to the  
24 admission of the document in evidence?

25 (No response.)

1 JUDGE GLEASON: Hearing none, the letter will  
2 be received into evidence.

3 (The document referred  
4 to, previously marked for  
5 identification as Exhibit  
6 No. PA-20, was received  
7 in evidence.)

8 BY MR. CZAJA: (Resuming)

9 Q Mr. DelBello, focusing your attention on the  
10 first sentence in the third paragraph on the first page  
11 of PA-20, that sentence states: "We have been invited  
12 to have one representative from each County sit in on  
13 the consultant selection process for developing this  
14 plan."

15 Is that statement correct?

16 A (WITNESS DELBELLO) That statement is a  
17 correct recitation of what is in the letter, but I don't  
18 think that ever came to pass.

19 Q To your knowledge no representatives of  
20 Westchester County in fact sat in on the consultant  
21 selection process in developing the plan?

22 A (WITNESS DELBELLO) To the best of my  
23 recollection, we offered to sit in and help with the  
24 selection process, and it was rejected by the  
25 utilities.



1 Q Who at the utilities rejected that?

2 A (WITNESS DELBELLO) I don't know personally.

3 Q How do you know the utilities rejected it?

4 A (WITNESS DELBELLO) From my staff assistant  
5 who offered to participate in the selection process.

6 Q Who was that staff assistant?

7 A (WITNESS DELBELLO) David Smith.

8 Q Focusing on the second sentence in the third  
9 paragraph of page 1 of Exhibit PA-20: "In addition, the  
10 utilities have offered to provide funding for one local  
11 liaison staff person to work with the consultant and the  
12 licensees to provide maximum local input and tight  
13 coordination on behalf of the four County governments."

14 Did that in fact occur?

15 A (WITNESS DELBELLO) I think that came to pass  
16 only after the consultants drew up the plan, and that  
17 financial support was only forthcoming from the New York  
18 State Power Authority, not from the Con Edison Company.

19 Q What is your best present recollection of the  
20 date when that gentleman or individual began work?

21 A (WITNESS DELBELLO) I would have no  
22 recollection of the date as such.

23 Q Was that individual Harvey Hearth?

24 A (WITNESS DELBELLO) Yes, it was.

25 Q Who does Mr. Hearth report to?

1           A       (WITNESS DELBELLO) He technically reports to  
2 the Four-County Nuclear Task Force, and his position was  
3 housed in the County government of Westchester County.

4           Q       And what was your own relationship to the  
5 Four-County Nuclear Task Force?

6           A       (WITNESS DELBELLO) I had helped serve as one  
7 of its organizers, and I guess informally as its first  
8 chairman.

9           Q       Did anyone succeed you in the role of  
10 chairman?

11          A       (WITNESS DELBELLO) No.

12                 MR. CZAJA: I'm going to ask Mr. Pikus to  
13 distribute a copy of a letter that I will ask to have  
14 marked as Exhibit PA-21. This is a letter from Mr.  
15 DelBello to Mr. Lilly, dated January 28th, 1980.

16                 JUDGE GLEASON: That letter will be marked PA  
17 Exhibit 21.

18                                 (The document referred to  
19                                 was marked Exhibit No.  
20                                 PA-21 for  
21                                 identification.)

22                         (Pause.)

23                 BY MR. CZAJA: (Resuming)

24           Q       Mr. DelBello, can you identify the document  
25 that has been marked as Exhibit PA-21?

1           A       (WITNESS DELBELLO) A letter signed by me  
2 dated January 28, 1980, to Mr. Scot Lilley, PASNY, 10  
3 Columbus Circle, New York, New York, referring to the  
4 \$25,000 fund to be made available to hire a liaison  
5 person to help the Four-County Nuclear Safety Committee  
6 and the utilities' consultants and the State of New York  
7 develop a plan.

8           MR. CZAJA: I offer Exhibit PA-21 into  
9 evidence?

10          JUDGE GLEASON: Is there objection?

11          (No response.)

12          JUDGE GLEASON: The letter will be received  
13 into evidence.

14   (The document referred  
15 to, previously marked for  
16 identification as Exhibit  
17 No. PA-21, was received  
18 in evidence.)(-GL-)

19          BY MR. CZAJA: (Resuming)

20          Q       Mr. DelBello, referring to the second  
21 paragraph of Exhibit 21, the first sentence in that  
22 paragraph begins with the comment, "This individual will  
23 begin about February 4." Does that comment refresh your  
24 recollection at all as to when Mr. Hearsh began his  
25 duties?

1           A       (WITNESS DELBELLO) Not as such. I actually  
2 don't remember when he started.

3           Q       Do you have any reason to doubt the statement  
4 in the letter that Mr. Hearth began work on or about  
5 February 4, 1980?

6           A       (WITNESS DELBELLO) I would have no basis to  
7 refute that.

8           Q       That first sentence in the second paragraph of  
9 Exhibit PA-21 goes on to describe Mr. Hearth's duties.  
10 Does that paragraph accurately describe the duties that  
11 Mr. Hearth in fact performed?

12          A       (WITNESS DELBELLO) I believe those were the  
13 duties that we envisioned for him, yes.

14          Q       Now, focusing on Mr. Hearth's efforts during  
15 the period 1980, in your opinion were those efforts  
16 helpful in developing the emergency plan for Westchester  
17 County?

18          A       (WITNESS DELBELLO) I don't remember of my own  
19 knowledge him having any involvement in the development  
20 of the emergency plan as such.

21                   MR. CZAJA: I'm going to ask Mr. Pikus to  
22 distribute a document which I will ask to have marked as  
23 Exhibit 22. This is a letter from Mr. DelBello to Mr.  
24 Dyson of the Power Authority dated December 1, 1980.

25                   JUDGE GLEASON: The letter will be marked as

1 Exhibit PA-22.

2 (The document referred to  
3 was marked Exhibit No.  
4 PA-22 for  
5 identification.)

6 (Pause.)

7 BY MR. CZAJA: (Resuming)

8 Q Mr. DelBello, can you identify the document  
9 that has been marked as Exhibit PA-22?

10 A (WITNESS DELBELLO) A letter dated December  
11 1st, 1980, signed by me, to Mr. John Dyson, Chairman of  
12 the New York State Power Authority, requesting a further  
13 grant of \$25,000 for the work of the Four-County project  
14 coordinator.

15 MR. CZAJA: I offer Exhibit PA-22 in  
16 evidence.

17 MS. VETERE: Objection, Your Honor. We cannot  
18 accept this without the enclosures.

19 JUDGE GLEASON: I don't understand, Mrs.  
20 Vetere.

21 MS. VETERE: Mr. Chairman, the letter refers  
22 to enclosures and the copy that I have does not include  
23 those enclosures. I can't accept the document without  
24 those enclosures.

25 JUDGE GLEASON: He is not referring to the

1 enclosures yet.

2 Do you have the enclosures?

3 MR. CZAJA: I don't think we have them with  
4 us, Mr. Chairman. It'd be hearsay, anyway. They are  
5 described as a memorandum from Mr. Hearth. We would be  
6 happy to look for them and if we have the enclosure we  
7 will produce it to Ms. Vetere. But since it is a  
8 memorandum from Mr. Hearth, she might as well have a  
9 copy of it as we would. And I am not going to refer to  
10 that in my examination. I'm not offering a part of it.

11 JUDGE GLEASON: All right, the objection is  
12 denied. If you can locate a copy of it, I think you  
13 should provide it to her.

14 The letter will be admitted into evidence.

15 (The document referred  
16 to, previously marked for  
17 identification as Exhibit  
18 No. PA-22, was received  
19 in evidence.)

20 BY MR. CZAJA: (Resuming)

21 Q Mr. DelBello, directing your attention to the  
22 first sentence in the second paragraph of Exhibit PA-22,  
23 that sentence states: "I believe the position of  
24 Four-County project coordinator in this overall effort  
25 has been most helpful and well received by all parties

1 involved."

2 Does that sentence accurately state your  
3 belief with regard to the value of the position of Mr.  
4 Hearth during 1980?

5 A (WITNESS DELBELLO) I believe it represented  
6 my opinion at the time, yes.

7 Q Now, did the Power Authority respond to the  
8 request contained in Exhibit PA-22 to extend the funding  
9 for Mr. Hearth's position for another year?

10 A (WITNESS DELBELLO) Yes, they did.

11 Q Now, turning to the efforts that were made in  
12 emergency planning during the year 1981, are you of the  
13 view that significant strides were made in emergency  
14 planning during that year?

15 A (WITNESS DELBELLO) During the year 1981?

16 Q Yes.

17 A (WITNESS DELBELLO) I would have to --

18 MR. THORSEN: Your Honor, I would have to  
19 object to the form of the question. I have no idea what  
20 the term "significant" means in that regard.

21 JUDGE GLEASON: I think it is an objection  
22 that is well taken. I think you ought to rephrase it  
23 and make your question a little bit less complex.

24 BY MR. CZAJA: (Resuming)

25 Q Do you believe that significant progress was

1 made in emergency planning during the period 1981?

2 MR. THORSEN: Your Honor, same objection.

3 JUDGE GLEASON: Well, if the witness doesn't  
4 understand what the word "significant" means he can ask  
5 to have it clarified.

6 WITNESS DELBELLO: I have no problem with the  
7 word "significant." My problem is with the word  
8 "progress."

9 A plan was produced and completed. Some may  
10 call that progress, some may not. But there was a great  
11 deal of work done in the year 1981 toward the  
12 development of the plan.

13 MR. CZAJA: I'm going to ask Mr. Pikus to  
14 distribute a document I will ask to have marked as  
15 Exhibit PA-23, which is a letter from Mr. DelBello to  
16 Mr. Dyson dated November 9, 1981.

17 JUDGE GLEASON: The letter will be marked for  
18 identification purposes as PA-23.

19 (The document referred to  
20 was marked Exhibit No.  
21 PA-23 for  
22 identification.)

23 (Pause.)

24 BY MR. CZAJA: (Resuming)

25 Q Mr. DelBello, can you identify the document



1 that has been marked as Exhibit PA-23?

2 A (WITNESS DELBELLO) A letter dated November 9,  
3 '81, over my signature to Mr. Dyson, Chairman of the New  
4 York State Power Authority, in which again I make the  
5 request for renewal of the grant for the Four-County  
6 coordinator's position, in which I reflect that  
7 continued work and progress is being made on the plan.

8 Q And now the request is to continue that  
9 funding for the year 1982?

10 A (WITNESS DELBELLO) That is correct.

11 MR. CZAJA: I offer Exhibit PA-23 in  
12 evidence.

13 JUDGE GLEASON: Is there objection?

14 (No response.)

15 JUDGE GLEASON: The letter will be received  
16 into evidence.

17 (The document referred  
18 to, previously marked for  
19 identification as Exhibit  
20 No. PA-23, was received  
21 in evidence.)

22 BY MR. CZAJA: (Resuming)

23 Q Now, focusing your attention, Mr. DelBello, on  
24 the second sentence in the first paragraph in Exhibit  
25 PA-23, the sentence begins with the words, "Although

1 significant strides were made over this year." Does  
2 that comment accurately reflect your view of emergency  
3 planning progress in the year 1981?

4 MS. VETERE: Objection, Your Honor. I request  
5 that the full sentence be read so that we can get the  
6 context of the whole statement.

7 JUDGE GLEASON: Please read the full  
8 sentence.

9 BY MR. CZAJA: (Resuming)

10 Q "Although significant strides were made over  
11 this year in improving the emergency response plans for  
12 the four Counties, much work remains to be done,  
13 especially through the drill planned for 1982."

14 Does that sentence accurately reflect your  
15 view of the progress of emergency planning during the  
16 year 1981?

17 A (WITNESS DELBELLO) I am sure that reflected  
18 my view at that time of November 9th, 1981.

19 Q Now, did the Power Authority respond to your  
20 request that the funding for Mr. Hearth's position be  
21 continued through the year 1982?

22 A (WITNESS DELBELLO) I believe they did, yes.

23 Q Now, other than providing funding for Mr.  
24 Hearth's position, what other assistance was provided to  
25 Westchester County in connection with emergency plans

1 from 1980 to the present?

2 MS. VETERE: Objection. The question is too  
3 general, Your Honor.

4 JUDGE GLEASON: Would you rephrase the  
5 question, please.

6 BY MR. CZAJA: (Resuming)

7 Q Have the utilities provided any assistance to  
8 Westchester County, either monetary or equipment, during  
9 the period 1980 to the present in connection with  
10 emergency planning?

11 A (WITNESS DELBELLO) I don't believe the  
12 utilities have provided us with any additional funds  
13 outside of that required by state law and provided  
14 through the state system. There have been many, many  
15 contacts between our agencies of government and the  
16 utilities. What assistance was received at the agency  
17 level by the various utilities I am not personally  
18 familiar with. There was a continuing contact.

19 MR. CZAJA: I'm going to ask Mr. Pikus to  
20 distribute a document which was mailed to this Board by  
21 Mr. Edward M. Gibbs, dated January 21, 1982, and was  
22 docketed in this proceeding at the NRC docketing  
23 office. I will ask that this be marked as Exhibit  
24 PA-24.

25 Let me say, this is an excerpt from a larger

1 document, but the excerpts Mr. Pikus is distributing are  
2 the excerpts that I will ask Mr. DelBello about.

3 JUDGE GLEASON: Do you want to identify the  
4 excerpt, please?

5 MR. CZAJA: The excerpts are from a report by  
6 a committee described as the "Committee on Indian  
7 Point." The report is described as an "interim report"  
8 and it was enclosed with Mr. Gibbs' letter to the Board  
9 dated January 21, 1982.

10 JUDGE GLEASON: The excerpt will be identified  
11 as PA Exhibit 24.

12 (The document referred to  
13 was marked Exhibit No.  
14 PA-24 for  
15 identification.)

16 (Pause.)

17 BY MR. CZAJA: (Resuming)

18 Q Mr. DelBello, are you familiar with the report  
19 that was enclosed --

20 MS. VETERE: Objection, Your Honor.

21 MR. CZAJA: Do you want me to repeat the  
22 question?

23 MS. VETEPE: I would like to familiarize  
24 myself with the document before you go on.

25 MR. CZAJA: I'm sorry.

1 JUDGE GLEASON: Hold on, please.

2 (Pause.)

3 MR. BRODSKY: Has the document been offered  
4 yet, Your Honor?

5 JUDGE GLEASON: It has not.

6 (Pause.)

7 MS. VETERE: We are ready, Your Honor.

8 BY MR. CZAJA: (Resuming)

9 Q Mr. DelBello, are you familiar with the report  
10 that Mr. Gibbs refers to in his letter to the Board?

11 MR. BRODSKY: Objection, Your Honor. It  
12 hasn't been offered yet. If we're going to get into a  
13 discussion about the evidence, it ought to be offered.

14 JUDGE GLEASON: He's just asking him if he's  
15 familiar with it.

16 Who's making the objection?

17 MR. BRODSKY: Richard Brodsky.

18 JUDGE GLEASON: Well, would you please -- he's  
19 just asking him if he's familiar with the letter.

20 MR. BRODSKY: Thank you.

21 JUDGE GLEASON: Go ahead.

22 WITNESS DELBELLO: I know a report such as  
23 this was issued at the time. I am not familiar with it  
24 now.

25 BY MR. CZAJA: (Resuming)

1 Q Do you recall reading the report at the time?

2 A (WITNESS DELBELLO) I don't think I ever read  
3 the whole report. I probably read a synopsis of it.

4 Q Directing your attention to the portion of  
5 Exhibit 24 that bears the number 16 at the bottom of the  
6 page, the last paragraph begins with this sentence:

7 "Consolidated Edison and PASNY have provided funding"

8 --

9 MR. BRODSKY: Objection.

10 JUDGE GLEASON: What are you objecting to?

11 MR. BRODSKY: If he is directing the attention  
12 of the witness to a document that is not offered in  
13 evidence, to my understanding the witness is not  
14 required to answer a question related to that document.

15 JUDGE GLEASON: Your understanding is  
16 incorrect, sir. Let him ask the question. He has not  
17 asked a question.

18 BY MR. CZAJA: (Resuming)

19 Q Does that paragraph reflect your recollection,  
20 Mr. DelBello, as to monetary or equipment assistance  
21 that the utilities have provided Westchester in  
22 connection with emergency planning?

23 A (WITNESS DELBELLO) I think there's a question  
24 of how you define "provided Westchester." These were  
25 essential ingredients in the plan that was drawn up by

1 the utilities for the emergency response. These items  
2 did not come to Westchester County, to my knowledge, as  
3 a County government.

4 Possibly you were indefinite in your question,  
5 because I assume the \$25,000 was to direct the County  
6 governments, to help the four County governments. This  
7 is directly related to the plan itself.

8 Q Regardless of whether the equipment or funds  
9 related directly to the plan itself, in your opinion did  
10 equipment and funds flow to Westchester County from the  
11 utilities?

12 MS. VETERE: Objection. That has been asked  
13 and answered.

14 WITNESS DELBELLO: To Westchester County as a  
15 political entity or to Westchester County government?

16 BY MR. CZAJA: (Resuming)

17 Q To Westchester County government.

18 A (WITNESS DELBELLO) \$25,000.

19 MS. VETERE: May we have a ruling, Your  
20 Honor.

21 JUDGE GLEASON: He has already answered that  
22 question to the extent that if assistance is provided to  
23 his departments and agencies he is not familiar with  
24 it. So the objection is sustained.

25 BY MR. CZAJA: (Resuming)

1 Q Now let's turn to a more recent period, in  
2 1982, Mr. DelBello, during which the so-called 120-day  
3 clock was running. In your opinion, during that period  
4 did the Federal Emergency Management Agency, State  
5 Disaster Preparedness Office, and the utility companies  
6 and Westchester County make good faith efforts to deal  
7 with the extremely complex problems unique to Indian  
8 Point?

9 A (WITNESS DELBELLO) Dealing with the first  
10 120-day clock or the second?

11 Q The most recent one.

12 A (WITNESS DELBELLO) The most recent one?  
13 You're asking me -- would you repeat the question? I'm  
14 not sure how many entities are involved with the good  
15 faith effort.

16 MS. VETERE: Excuse me, Your Honor.

17 JUDGE GLEASON: Excuse me. Let the witness  
18 make his comments and then make your objection.

19 Go ahead, Mr. DelBello.

20 WITNESS DELBELLO: I don't remember how many  
21 entities, different entities, he listed as having good  
22 faith efforts.

23 JUDGE GLEASON: Would you repeat the  
24 question?

25 MR. CZAJA: Certainly.



1 BY MR. CZAJA: (Resuming)

2 Q During the most recent 120-day clock, did the  
3 Federal Emergency Management Agency, State Disaster  
4 Preparedness Office, the utility companies and  
5 Westchester County make good faith efforts to deal with  
6 the extremely complex problems unique to Indian Point?

7 MS. VETERE: Objection, Your Honor. If Mr.  
8 Czaja is reading from a document, I request that Mr.  
9 DelBello be allowed to see that document.

10 JUDGE GLEASON: Are you reading from  
11 something?

12 MR. CZAJA: Yes, Judge. But I don't believe  
13 there's any requirement that we should distribute the  
14 document. If Mr. DelBello is unable to agree with that  
15 statement, I may --

16 JUDGE GLEASON: That is a statement you may  
17 make up.

18 MR. KAPLAN: Your Honor -- if I may, Your  
19 Honor, the witness may be aided by looking at the first  
20 page of his supplemental testimony.

21 JUDGE GLEASON: Respond to the question if you  
22 can, please.

23 WITNESS DELBELLO: I wouldn't know of my own  
24 personal knowledge whether each agency made a good faith  
25 effort. That would be a subjective view of each of

1 those agencies.

2 MR. CZAJA: I'm going to ask Mr. Pikus to  
3 distribute a document which I will ask to have marked as  
4 Exhibit PA-25, which is a press release from Mr.  
5 DelBello's office dated December 6, 1982.

6 (Pause.)

7 WITNESS DELBELLO: Is there something missing  
8 from this?

9 MR. CZAJA: I don't think so. I think it's  
10 the first paragraph on the first page is repeated in  
11 toto from the second page.

12 MR. KAPLAN: If we could have a moment to look  
13 at the document.

14 MR. CZAJA: I was replying to a question from  
15 Mr. DelBello regarding the nature.

16 (Pause.)

17 JUDGE GLEASON: Has this been requested for  
18 marking?

19 MR. CZAJA: Yes, Judge. I've asked it to be  
20 marked as Exhibit PA-25.

21 JUDGE GLEASON: It will be marked as PA  
22 Exhibit No. 25.

23 (The document referred to  
24 was marked Exhibit No.  
25 PA-25 for

1 identification.)

2 (Pause.)

3 JUDGE GLEASON: Proceed, please.

4 BY MR. CZAJA: (Resuming)

5 Q Mr. DelBello, on the second page of Exhibit 25  
6 there is a quotation attributed to you: "The Federal  
7 Emergency Management Agency, State Disaster Preparedness  
8 Office, utility companies and the County have made good  
9 faith efforts to deal with the extremely complex  
10 problems unique to Indian Point."

11 Is that an accurate quotation of the statement  
12 by you?

13 A (WITNESS DELBELLO) Yes, that is accurate.

14 Q Mr. DelBello, returning for a moment to the  
15 period in 1981 when the emergency plans were being  
16 prepared, did the consultants who were working on the  
17 plan request comments and input from County officials?

18 A (WITNESS DELBELLO) I believe they did, at  
19 different points during the development of the plan.

20 MR. CZAJA: I'm going to ask Mr. Pikus to  
21 distribute a document which I will ask to have marked as  
22 Exhibit PA-26, which is a memorandum to department heads  
23 in Westchester County from Mr. DelBello dated June 1,  
24 1981.

25 (Pause.)

1 MR. BRODSKY: Your Honor, it appears that Mr.  
2 Czaja is having these documents marked and then not  
3 offering them in evidence. For the purposes of  
4 understanding his questions to Mr. DelBello, is it his  
5 purpose to offer either of these documents into  
6 evidence, either the committee report, the direct  
7 committee report, or the press release?

8 JUDGE GLEASON: Well, I don't think he has to  
9 respond to that question. If he wants to, he can.

10 MR. CZAJA: The question is whether I want to  
11 offer the committee report into evidence?

12 MR. BRODSKY: Or the press release, either  
13 one.

14 MR. CZAJA: No, I don't.

15 MR. BRODSKY: Thank you.

16 JUDGE GLEASON: Do you want this memorandum  
17 identified?

18 JUDGE GLEASON: Yes, Exhibit PA-26, Your  
19 Honor.

20 JUDGE GLEASON: It'll be identified as Exhibit  
21 PA-26.

22 (The document referred to  
23 was marked Exhibit No.  
24 PA-26 for  
25 identification.)

1 BY MR. CZAJA: (Resuming)

2 Q Can you identify the document that's been  
3 marked Exhibit PA-26, Mr. DelBello?

4 A (WITNESS DELBELLO) It is a memo sent by me to  
5 my department heads, dated June 1st, 1981, asking --  
6 reflecting the fact that comments have been requested on  
7 a revised evacuation plan by the consultants, and that  
8 the Commissioners should make those comments available.

9 MR. CZAJA: I offer Exhibit PA-26 into  
10 evidence.

11 JUDGE GLEASON: Is there objection?

12 (No response.)

13 JUDGE GLEASON: Hearing none, PA-26 will be  
14 received into evidence.

15 (The document referred  
16 to, previously marked for  
17 identification as Exhibit  
18 No. PA-26, was received  
19 in evidence.)

20 BY MR. CZAJA: (Resuming)

21 Q Now, did you receive any response to the  
22 request contained in PA-26?

23 A (WITNESS DELBELLO) I am sure my assistant  
24 did, yes.

25 Q To your knowledge, were the suggestions from

1 various County officials made during the period 1981 in  
2 turn transmitted to the consultants who were working on  
3 the plan?

4 A (WITNESS DELBELLO) I am sure they were. I  
5 don't have personal knowledge of that.

6 Q And were some of those suggestions accepted by  
7 the consultants?

8 A (WITNESS DELBELLO) I wouldn't know personally  
9 whether they were or not.

10 MR. CZAJA: I'm going to ask Mr. Pikus to  
11 distribute a document which is a letter from Mr.  
12 DelBello to Chairman Palladino of the Nuclear Regulatory  
13 Commission dated June 2, 1982. I will ask to have that  
14 marked as Exhibit PA-27.

15 MS. VETERE: Your Honor, that has already been  
16 marked as Westchester County 1-B.

17 JUDGE GLEASON: Well, let's see it and we'll  
18 find out.

19 (Pause.)

20 JUDGE GLEASON: Mr. Czaja, if you could advise  
21 the Board as to where this line of questioning is  
22 going.

23 MR. CZAJA: Judge, I'm trying to refresh the  
24 witness' recollection on the point of whether the  
25 comments of the Westchester County officials to the

1 consultants were in some cases accepted by the  
2 consultants. The witness stated he had no personal  
3 knowledge of that.

4 JUDGE GLEASON: Are you trying to impeach the  
5 witness?

6 MR. THORSEN: Your Honor, if that's the whole  
7 line of questions I don't see any substantial benefit.

8 JUDGE GLEASON: Well, that's why I'm asking  
9 the question.

10 MR. CZAJA: The suggestion of Mr. DelBello's  
11 testimony, Judge, is that the consultants prepared the  
12 emergency plan in the total absence of comment from  
13 Westchester County officials. The purpose of the line  
14 is to demonstrate that such comments were requested,  
15 such comments were accepted in many cases, and that  
16 Westchester was involved in this process by which the  
17 plan was drafted.

18 JUDGE GLEASON: And if you should prove that  
19 your position is correct, what then as far as answering  
20 the questions this Board has to make recommendations on  
21 to the Commission?

22 MR. CZAJA: As I understand, Westchester  
23 County was putting forward the direct testimony, Your  
24 Honor. I am hard-pressed to speak for the theory of  
25 their case. However, as I understand it, in answering

1 Commission question 3 Westchester County's position is  
2 that one of the defects of emergency planning is that  
3 the County officials have been not involved in the  
4 planning process.

5 We've had a parade of them come in this week  
6 suggesting that they have been ignored or shut out, and  
7 I am now trying to address that contention by  
8 Westchester County.

9 JUDGE GLEASON: But it does strike me, without  
10 attempting to be too argumentative on the issue, it does  
11 strike me that what we are attempting to find out here  
12 is what the status of the emergency plans are, and  
13 whether the County officials did or did not do something  
14 or whether on that issue -- does not seem to be  
15 relevant.

16 If they are obstructing the development of the  
17 plan, that is relevant, and if that is the kind of a  
18 line you're trying to take I can understand it. But I  
19 don't understand where you are going with this kind of  
20 question to, you know, find out that something that he  
21 has said is different from what occurred as far as  
22 offering suggestions to the consultant.

23 MR. CZAJA: Judge, if the Board indeed  
24 believes that these claims by Westchester County that  
25 they have been shut out or closed out or not involved in



1 the planning process are irrelevant to the Board's task,  
2 I would be happy to accept that advice and adjust my  
3 examination accordingly.

4 JUDGE GLEASON: What the Board is interested  
5 in finding out is what is the current status of the  
6 plans under question 3. That is what we have to make  
7 our recommendations based on. And so if you could tend  
8 to focus on that issue we would appreciate it.

9 MR. CZAJA: Judge, at this point I don't  
10 understand whether there's an outstanding question. Is  
11 this a comment?

12 JUDGE GLEASON: This is just a general kind of  
13 a comment.

14 Is this last document to be marked, Mr.  
15 Czaja?

16 MR. CZAJA: I have some additional documents,  
17 Judge. Oh, I'm sorry.

18 JUDGE GLEASON: This June 2nd letter, is that  
19 marked?

20 MR. CZAJA: Yes. I ask that to be marked as  
21 Exhibit PA-27.

22 JUDGE GLEASON: It is being marked as PA  
23 Exhibit 27.

24 MS. VETERE: It has already been marked, Your  
25 Honor.

1 JUDGE GLEASON: This was marked the other  
2 day. Yes, it was marked as PA Exhibit 14, I believe.

3 MR. CZAJA: No, this is a different letter.

4 JUDGE GLEASON: This is a different letter.  
5 All right, PA-27.

6 (The document referred to  
7 was marked Exhibit No.  
8 PA-27 for  
9 identification.)

10 BY MR. CZAJA: (Resuming)

11 Q Mr. DelBello, directing your attention to page  
12 1 of Exhibit PA-27, the second paragraph, the last  
13 sentence, it states: "In some cases advice was accepted  
14 and in other cases it was rejected or ignored." Does  
15 that refresh your recollection that in some instances  
16 suggestions from Westchester County officials were  
17 indeed accepted by the consultants working on the plan?

18 MS. VETERE: Objection, Your Honor. I would  
19 just like to note my objection for the same reasons that  
20 you pointed out to Mr. Czaja before, that I'm not sure  
21 where this line of questioning is going and whether it  
22 is helpful.

23 JUDGE GLEASON: Your objection is noted.  
24 Please answer the question.

25 WITNESS DELBELLO: Let me indicate why I think

1 you're having trouble in asking the question, if I  
2 might. You asked me first what my personal recollection  
3 is or do I know, and when you refer me to a letter such  
4 as this that indicates that something occurred, this  
5 letter is developed for me by a staff member who has  
6 personal knowledge of what has occurred. I accept that  
7 statement as his representation to me that it occurred.

8           If I signed the letter with that in there, I  
9 am relying on my staff member who drafted this letter  
10 that advice was accepted in cases and so forth. Do I  
11 know myself that it was personally? No, I don't. But I  
12 accept that as an advice from a staff member when he  
13 puts it in my letter.

14           BY MR. CZAJA: (Resuming)

15           Q    Do you recall who the staff member was on this  
16 particular case?

17           A    (WITNESS DELBELLO) I believe this letter was  
18 drafted by Dave Smith.

19           Q    Mr. DelBello, turning to the improvements that  
20 were made in emergency planning during the running of  
21 the most recent 120-day clock, am I correct in stating  
22 that in general Westchester County is satisfied with the  
23 corrective actions taken since July 30, 1982, in the  
24 area of notification methods and procedures?

25           MS. VETERE: Objection, Your Honor. Again, if

1 Mr. Czaja is reading from a document I request that my  
2 witness be allowed to see that document.

3 MR. CZAJA: Again, Judge, I don't think I am  
4 required to do that, but to save time this is Exhibit  
5 PA-14.

6 JUDGE GLEASON: Do you have that, Ms. Vetere?

7 MS. VETERE: Could he please describe what  
8 PA-14 is?

9 MR. CZAJA: That is the letter to Mr.  
10 Palladino dated December 5, 1982. And we will give a  
11 copy to Mr. DelBello if that is some assistance.

12 BY MR. CZAJA: (Resuming)

13 Q Again, I particularly direct your attention to  
14 page 4 of the letter, the second paragraph under the  
15 heading, "Notification Methods and Procedures."

16 A (WITNESS DELBELLO) Yes, in this letter I  
17 reflect that in general Westchester County is satisfied  
18 with corrective actions that have been taken. That is  
19 the advice that was given to me and I am sure it was  
20 accurate.

21 Q And in connection with efforts in the area of  
22 public education and information during the most recent  
23 120-day clock period, in your opinion has overall  
24 response been good in this planning area?

25 MR. THORSEN: Your Honor, I'm going to make an

1 objection. On this line of questioning, wouldn't it be  
2 better made of the various department heads responsible  
3 for this? Mr. DelBello has testified that the letter  
4 he's referring to was prepared by a staff member, that  
5 he doesn't have personal knowledge. I think we're just  
6 wasting our time.

7 JUDGE GLEASON: Well, he didn't say he didn't  
8 have any knowledge. He just said it was prepared by a  
9 staff member. He signed the letter, so I think he can  
10 ask questions.

11 What I would ask the counsel to do is to refer  
12 to the page numbers of the documents. And let's not  
13 play a cat and mouse game here. We are not interested  
14 on that.

15 MR. CZAJA: I was going to direct his  
16 attention to that page when Mr. Thorsen made his  
17 objection.

18 BY MR. CZAJA: (Resuming)

19 Q I would now direct your attention, Mr.  
20 DelBello, to page 5 under the heading "Public Education  
21 and Information," and the first sentence in the second  
22 paragraph.

23 A (WITNESS DELBELLO) Yes. It would appear that  
24 significant corrective actions have been taken in this  
25 area.

1 Q Directing your attention to the area of  
2 radiological exposure control, would I be correct in  
3 stating that the County is satisfied with the movement  
4 during the 120-day period to correct deficiencies in  
5 procedures regarding decontamination and disposal of  
6 waste? And I would direct your attention to page 6 of  
7 Exhibit PA-14.

8 MS. VETERE: Objection, Your Honor. I request  
9 that the full sentence be read.

10 MR. CZAJA: Judge, I'm asking my question and  
11 I am directing the witness' attention to a page. Ms.  
12 Vetere will have redirect.

13 JUDGE GLEASON: Why can't we just have him  
14 agree to everything that he has agreed to in this letter  
15 and get on to the next thing, or will that upset the  
16 examination plan?

17 MR. CZAJA: That won't upset me, Judge. This  
18 will be the last question.

19 WITNESS DELBELLO: It would appear that we are  
20 satisfied that movement took place regarding the  
21 decontamination procedures and the disposal of waste.  
22 But we are still not satisfied with the capability to  
23 implement these procedures and there still remains no  
24 finalized procedure for distribution of thyroid blocking  
25 agents, and there are some other problems in this area

1 which you mention.

2 BY MR. CZAJA: (Resuming)

3 Q You are familiar with this proposal the County  
4 has submitted by ATE Management in connection with the  
5 transportation plan; is that correct?

6 A (WITNESS DELBELLO) I am familiar with the  
7 fact that, in an attempt to work together with the State  
8 on the difficult question of evacuation, we sought the  
9 advice of ATE consulting company, or at least my  
10 Department of Transportation did. They had an approach  
11 and a proposal, and we recommended that to the State of  
12 New York as a possible course to be followed to solve  
13 that problem.

14 Q And are you also familiar with the fact that  
15 the utilities responded to the State regarding that  
16 proposal last November?

17 A (WITNESS DELBELLO) The only knowledge I have  
18 about that is that I believe the utilities were  
19 unwilling to fund an ATE study.

20 Q They were unwilling to fund the entire study,  
21 to your knowledge?

22 A (WITNESS DELBELLO) That is what I believe,  
23 yes.

24 Q And what is the source of that knowledge?

25 A (WITNESS DELBELLO) Staff advice to me.

1 Q Do you know what the State's position on the  
2 ATE proposal?

3 A (WITNESS DELBELLO) No, I don't know of my own  
4 knowledge what it is.

5 Q Well, when you say of your own knowledge, have  
6 you received information from a staff member regarding  
7 it?

8 A (WITNESS DELBELLO) No, I don't. I don't know  
9 what the State's position is, or I have no memory of it  
10 at this time.

11 Q I'd like to turn to a subject you discuss at  
12 page 1 of your original testimony, Mr. DelBello. This  
13 is your experience in coordinating or leading the  
14 response of Westchester County in a number of  
15 emergencies requiring the deployment of emergency  
16 services. You give the examples of fire, flooding,  
17 aircraft crashes, train wreck.

18 To what extent, if any, do the deficiencies  
19 that your department heads have identified with regard  
20 to the radiological emergency response plan also affect  
21 Westchester's ability to respond to the types of  
22 emergencies described in page 1 of your original  
23 testimony?

24 MS. VETERE: Objection, Your Honor. That  
25 question is too general.



1 MR. CZAJA: I am trying to shorten it.

2 JUDGE GLEASON: Make it less general.

3 BY MR. CZAJA: (Resuming)

4 Q Do any of the deficiencies you've identified  
5 and your department heads have identified in their  
6 testimony here this week with regard to the emergency  
7 plan in a radiological emergency also impact on the  
8 ability of Westchester County to respond in a  
9 nonradiological situation of the type described at page  
10 1 of your testimony?

11 MS. VETERE: Same objection, Your Honor.

12 JUDGE GLEASON: I just didn't understand that  
13 question.

14 BY MR. CZAJA: (Resuming)

15 Q You've testified that one of the deficiencies  
16 you see in the radiological plan is in the  
17 transportation component, am I correct, Mr. DelBello?

18 A (WITNESS DELBELLO) The transportation of  
19 what?

20 Q Component.

21 A (WITNESS DELBELLO) Yes.

22 Q And you feel that there should be agreements  
23 with regard to the transportation of transit dependent  
24 individuals in the event of a radiological emergency; is  
25 that correct?

1 A (WITNESS DELBELLO) I feel there should be?

2 Q Arrangements entered into with bus companies  
3 to provide for the transportation of transit dependent  
4 individuals in the event of a radiological emergency; is  
5 that correct?

6 A (WITNESS DELBELLO) I feel in order to meet  
7 the federal requirement that evacuation take place that  
8 that would be an essential part of it, yes.

9 Q Apart from federal requirements, do you feel  
10 that is a useful effort to protect Westchester County's  
11 residents in the event of a radiological emergency?

12 A (WITNESS DELBELLO) I don't make that  
13 judgment.

14 Q You have no judgment on whether or not that  
15 would be useful?

16 A (WITNESS DELBELLO) I didn't say that. I said  
17 I don't make that judgment. That judgment is made by  
18 health officials, who know the effect of radiological  
19 disasters, and the Nuclear Regulatory Commission. And I  
20 have not inserted my own judgment in that area. I have  
21 just tried to comply with those requirements.

22 Q Apart from whatever requirements may be  
23 imposed by federal officials, you have no personal views  
24 on the desirability of such arrangements?

25 A (WITNESS DELBELLO) Well, if you want my

1 personal view, if there is a radioactive cloud overhead,  
2 yeah, I think we better get the people out from under  
3 it, yeah.

4 Q How about if there's a toxic gas cloud  
5 overhead in Westchester County?

6 A (WITNESS DELBELLO) If the health officials  
7 say it's toxic and dangerous, I think we ought to get  
8 the people out from under it, yes.

9 Q And do you feel that prior to the occurrence  
10 of that toxic gas cloud over Westchester County steps  
11 should be taken to enter into arrangements or contracts  
12 with bus companies to provide for the evacuation of  
13 transit dependent individuals?

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1 MS. VETERE: Objection, Your Honor. I don't  
2 see the relevance. We are talking about a radiological  
3 emergency here.

4 MR. CZAJA: Judge, with respect to Question  
5 3 --

6 JUDGE GLEASON: The objection is denied.  
7 Answer the question.

8 WITNESS DELBELLO: Not knowing the situs of a  
9 potential incident for the future, it would be beyond  
10 everybody's imagination to prepare for an accident that  
11 would involve a chemical hazard.

12 BY MR. CZAJA: (Resuming)

13 Q By that statement do I understand that  
14 Westchester County presently has no emergency plan in  
15 effect for the situation of an accident involving a  
16 chemical hazard?

17 A (WITNESS DELBELLO) We would have only a  
18 normal response to an emergency, but no specific plan  
19 for a chemical hazard.

20 Q And does Westchester County have a plan for a  
21 normal response to an emergency?

22 A (WITNESS DELBELLO) Normal emergencies or the  
23 kinds of emergencies that occur with greater frequency  
24 are part of the basic training of our emergency forces,  
25 and our emergency forces, whether they be county

1 government or local forces, have their plans and their  
2 training to respond to those. You don't set them out in  
3 a plan such as you do in this radiological emergency  
4 plan.

5 Q And you believe that that training that you  
6 have described is sufficient to protect the health of  
7 Westchester County residents in the event of a  
8 non-radiological emergency?

9 A (WITNESS DELBELLO) It depends on the nature  
10 of the emergency you are talking about. In some cases,  
11 they are more than adequately trained; in other cases,  
12 they may not be.

13 Q In what cases do you believe they are not  
14 adequately trained?

15 A (WITNESS DELBELLO) That is a very broad  
16 question.

17 MR. THORSEN: Your Honor, I object to the  
18 relevancy of this line of questions.

19 JUDGE GLEASON: Answer the question.

20 WITNESS DELBELLO: I don't think we are  
21 adequately trained for nuclear attack. I don't think we  
22 are adequately trained for foreign occupation by foreign  
23 forces. I don't think we are adequately trained for an  
24 earthquake in Westchester County or a volcano. I don't  
25 think we are adequately trained for a flood that would

1 inundate more than a mile or more of square land in  
2 Westchester County.

3 I don't think we are adequately trained for a  
4 fire of half the County or something approximating a  
5 region equal to a whole municipality. I could go on and  
6 on and on to define the extent of an emergency that we  
7 are not adequately trained for.

8 JUDGE GLEASON: I think you have done --

9 BY MR. CZAJA: (Resuming)

10 Q How about the Kensico Dam, if there were a  
11 break or a burst in the dam that flooded White Plains?  
12 Do you feel you are adequately prepared for that  
13 situation?

14 A (WITNESS DELBELLO) No. I don't feel --

15 MS. VETERE: Objection, Your Honor. There are  
16 no facts in evidence with regard to an accident that  
17 might occur at the Kensico Dam.

18 JUDGE GLEASON: He's already answered the  
19 question, so, fortunately, I don't have to rule.

20 BY MR. CZAJA: (Resuming)

21 Q Turning now to page two of your direct  
22 testimony --

23 JUDGE GLEASON: You have six minutes, Mr.  
24 Czaja.

25 MR. CZAJA: Thank you, Judge. Judge, I think

1 there has been some time accumulated by the necessary  
2 distribution of documents. Is it possible I could get  
3 an allowance for that?

4 JUDGE GLEASON: No. They were your  
5 documents. Everybody has got to stay within their time  
6 limitations.

7 MR. CZAJA: We'll move faster from now on.

8 BY MR. CZAJA: (Resuming)

9 Q Directing your attention to page two of your  
10 direct testimony, Mr. DelBello, referring to the costs  
11 of emergency planning, you state, "These costs should  
12 not be borne by local taxpayers since in Putnam,  
13 Rockland and Orange Counties local taxpayers or  
14 ratepayers receive absolutely no benefits from the  
15 plants -- no electrical energy, no property taxes, and  
16 few, if any, jobs."

17 In fact, to your knowledge, does the Power  
18 Authority supply power to the utilities that serve  
19 Putnam, Rockland and Orange Counties?

20 A (WITNESS DELBELLO) I don't know if they do or  
21 not.

22 Q Are you aware that the Power Authority uses  
23 local contract labor for major maintenance projects at  
24 Indian Point?

25 MS. VETERE: Objection. That question has

1 been asked and answered.

2 MR. CZAJA: I don't know when.

3 JUDGE GLEASON: I don't know when it has been  
4 asked or answered, Ms. Vetere.

5 WITNESS DELBELLO: The Power Authority uses  
6 local contract labor?

7 BY MR. CZAJA: (Resuming)

8 Q For major maintenance -- union members for  
9 major maintenance projects at Indian Point.

10 MR. THORSEN: Your Honor, could I have  
11 certification as to whether this still refers to  
12 Rockland?

13 JUDGE GLEASON: I believe he said at Indian  
14 Point.

15 MR. CZAJA: That is correct. Mr. Thorsen is  
16 always one question ahead of me. If Mr. DelBello is  
17 aware of this, we will explore the impact of that on  
18 Grange.

19 WITNESS DELBELLO: I have heard on occasion  
20 they use local contract labor, yes.

21 BY MR. CZAJA: (Resuming)

22 Q Do you have any idea of the value of the  
23 contracts?

24 A (WITNESS DELBELLO) No, I don't.

25 Q Do you have any idea of the impact of those



1 contracts on employment in construction trades in  
2 Orange, Rockland and Putnam Counties?

3 A (WITNESS DELBELLO) In Orange, Rockland and  
4 Putnam? In those counties I have no personal  
5 knowledge.

6 Q Well, let's turn to Westchester County. Does  
7 Westchester County itself, as an entity, obtain power  
8 from the Power Authority?

9 A (WITNESS DELBELLO) Westchester County  
10 government does, yes.

11 Q And does that power come from Indian Point?

12 A (WITNESS DELBELLO) It is charged at the  
13 Indian Point rate, yes.

14 Q And is that Indian Point rate a lower rate  
15 than Westchester County would otherwise be charged for  
16 that electricity?

17 A (WITNESS DELBELLO) Yes.

18 Q And if Westchester County were no longer to  
19 receive power at that Indian Point rate, would that have  
20 an adverse effect on the taxpayers of Westchester  
21 County?

22 A (WITNESS DELBELLO) I believe, I don't know  
23 what our current billings are, but I believe that there  
24 would be a differential and it would go up. Our  
25 electric rate bill would go up.

1 Q Do you have any idea of the magnitude of the  
2 increase in that electric bill?

3 A (WITNESS DELBELLO) It varies from year to  
4 year. I don't know what it is right now or what it has  
5 been recently. I don't know what it has been in recent  
6 times.

7 Q What is the most recent time you know of that  
8 differential aspect?

9 A (WITNESS DELBELLO) I know when we originally  
10 entered into the contracts I knew what the differential  
11 was, but I don't remember. I have not followed it. I  
12 don't remember what the savings are.

13 Q Well, at the time you looked into it, what  
14 were the savings?

15 A (WITNESS DELBELLO) I don't remember.

16 JUDGE GLEASON: He just doesn't recall, Mr.  
17 Czaja, so let's go on, please.

18 BY MR. CZAJA: (Resuming)

19 Q Apart from Westchester County itself, do the  
20 residents of Westchester County receive power from  
21 Indian Point?

22 A (WITNESS DELBELLO) I don't believe so. I  
23 think the total output of Indian Point is consumed in  
24 the public contracts, so, therefore, the only benefit to  
25 the ratepayer would be --

1 Q I'm sorry, Mr. DelBello. I should have  
2 amended that question. We have been talking about the  
3 Power Authority. I'm now referring to both plants,  
4 including the Con Edison plant.

5 A (WITNESS DELBELLO) Well, the Indian Point  
6 plant supplies power to the Con Ed Group.

7 Q And if the Indian Point plants were closed,  
8 would that closing impact the rates consumers of  
9 electricity pay in Westchester County?

10 A (WITNESS DELBELLO) Of course.

11 Q Do you have any idea of the magnitude of  
12 those?

13 A (WITNESS DELBELLO) I have no idea in  
14 dollars.

15 JUDGE GLEASON: You have time for one more  
16 question, Mr. Czaja.

17 MR. CZAJA: I did have more questions in this  
18 area, Judge, but if I have just one more, let me try and  
19 wrap it up.

20 BY MR. CZAJA: (Resuming)

21 Q Am I correct in saying, Mr. DelBello, that you  
22 are of the view that if the Indian Point plants were  
23 shut down the federal government would have a  
24 responsibility to offset any financial loss to the  
25 ratepayers and taxpayers of Westchester County in such

1 circumstances?

2           A     (WITNESS DELBELLO) I think the federal  
3 government ought to adopt that posture since they are  
4 responsible for the location of this plant where it is.  
5 Most of our problems in emergency response are attendant  
6 to its location and that if the plant was forced to  
7 close, the root cause of that problem could be traced  
8 back to an original mistake made by the AEC in allowing  
9 it to be located there.

10                   Therefore, they should show the responsibility  
11 for financial burdens that would be placed on our  
12 residents and ratepayers.

13           MR. CZAJA: Pursuant to the Board's direction,  
14 I have no further questions.

15           JUDGE GLEASON: All right. We will stand in  
16 recess for ten minutes and please come back in ten  
17 minutes so we can resume.

18                   (A brief recess was taken.)

19           JUDGE GLEASON: Shall we begin, please? Would  
20 you proceed, Mr. Brandenburg?

21                                   CROSS EXAMINATION

22           BY MR. BRANDENBURG:

23           Q     Mr. DelBello, my name is Brent Brandenburg and  
24 I will be cross examining you on behalf of Con Edison.

25           A     (WITNESS DELBELLO) Oh, it's you that's

1 talking.

2 Q When Mr. Czaja's examination was terminated,  
3 he was inquiring about the economic impacts to  
4 Westchester County if the operation of the Indian Point  
5 units were to be interrupted. Do you have any knowledge  
6 of the annual tax loss and in lieu payment loss to  
7 Westchester County which would occur if operation of the  
8 Indian Point units were to be interrupted?

9 MR. THORSEN: I would object to this line of  
10 questioning. The entire line of questioning is  
11 irrelevant as to the effect upon the ratepayers.

12 MR. BRANDENBURG: Mr. Chairman, I refer you to  
13 page two of this witness' testimony.

14 MR. THORSEN: Judge, obviously Mr. DelBello's  
15 testimony, if it is going to be considered by the court,  
16 not ever statement therein is necessary for cross  
17 examination.

18 JUDGE GLEASON: The point is, he has covered  
19 it in his testimony and obviously his statements can be  
20 attacked in cross examination, so I will have to deny  
21 the objection. Proceed, please. Answer the question,  
22 Mr. DelBello.

23 BY MR. BRANDENBURG: (Resuming)

24 Q The question is whether you have any present  
25 knowledge of the annual tax and in lieu of payment

1 losses which Westchester County would incur if operation  
2 of the Indian Point units were to be interrupted.

3 A (WITNESS DELBELLO) I have no dollar figures  
4 in mind, no.

5 Q Do you believe them to be substantial?

6 A (WITNESS DELBELLO) Oh, yes. It's very  
7 substantial.

8 Q Mr. DelBello, in response to a question posed  
9 to you by Mr. Czaja about other types of emergency  
10 planning beyond radiological emergencies, you, I  
11 believe, testified that Westchester County personnel  
12 were trained for the types of emergencies which occur  
13 within, I believe your term was, greater frequency. Do  
14 you recall that?

15 A (WITNESS DELBELLO) Yes.

16 Q Do you believe as a matter of government  
17 planning that the frequency of emergency events should  
18 play an integral role in the government's decisionmaking  
19 as to the level of preparation that is required for such  
20 emergencies?

21 A (WITNESS DELBELLO) The nature of the events  
22 which the training takes place for are the events that  
23 are most likely to happen, could happen or have happened  
24 within the County and that the training is usually of a  
25 broad enough basis to accomplish a number of different

1 types of accidents or emergencies that occur.

2 As to whether it is the frequency issue alone  
3 that controls that, I don't believe so in most emergency  
4 forces.

5 Q Well, as a government planner, Mr. DelBello,  
6 would you wish to see the same level of preparation for  
7 a type of occurrence which occurred, using your term,  
8 with greater frequency than one that occurred very  
9 infrequently, such as a volcano eruption, I believe was  
10 an example you used?

11 MS. VETERE: Objection. That has already been  
12 asked and answered.

13 JUDGE GLEASON: I don't think this specific  
14 question has been asked. You may respond to the  
15 question.

16 WITNESS DELBELLO: Having no scientific or  
17 professional input as to whether there is a likelihood  
18 of volcanic eruption in Westchester County, I don't  
19 think we should advise our forces to train for it. If  
20 professionals were to indicate to us as public officials  
21 that there is a likelihood or a potential of a volcanic  
22 eruption in Westchester County, then I think we would  
23 develop an emergency plan and train for it.

24 BY MR. BRANDENBURG: (Resuming)

25 Q Mr. DelBello, in response to a question from

1 Mr. Czaja relating to Power Authority Exhibit 27, you  
2 responded in substance that in connection with the  
3 preparation of that document, which was a June 2, 1982,  
4 letter from yourself to Chairman Palladino of the NRC,  
5 that with respect to that letter you accepted the advice  
6 from members of your staff as to the correctness of its  
7 contents. Do you recall that?

8 A (WITNESS DELBELLO) I said that with reference  
9 to whatever we were referring to at the time in that  
10 question.

11 Q Did you follow the same procedures in  
12 connection with the preparation of your testimony here  
13 today? In other words, did you accept advice from your  
14 staff as to the correctness of the contents of your  
15 testimony?

16 A (WITNESS DELBELLO) Some aspects of it, yes;  
17 some aspects of it, no.

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1 Q Which aspects of your testimony here today is  
2 of your personal knowledge and which aspects do you rely  
3 upon your staff for assurances as to their accuracy?

4 A (WITNESS DELBELLO) My personal knowledge?

5 MS. VETERE: Objection, Your Honor. That  
6 question is way too general.

7 JUDGE GLEASON: Well, it's not too general,  
8 but I wonder about its relevancy.

9 MR. BRANDENBURG: Well, I don't propose to go  
10 line by line, Mr. Chairman. It does seem that those  
11 portions of this witness' testimony that are of his  
12 personal knowledge would have greater weight to the  
13 Board that those for which he is relying upon  
14 representations that have been made to him by his  
15 staff.

16 Just quickly, I would like him to identify the  
17 general subject matter areas where he has relied upon  
18 his staff on the one hand versus where he is relying  
19 upon his personal knowledge on the other, and I think  
20 that would be quite useful to the Board in weighing the  
21 value of his testimony.

22 MR. KAPLAN: I would object, if I might, to  
23 his use of what the Board chooses to apply. Is Mr.  
24 Brandenburg stating for the Board? I would assume the  
25 Board would determine of its own decision which parts of

1 Mr. DelBello's testimony or any other witness' testimony  
2 it wishes to weigh.

3 JUDGE GLEASON: I really think this line of  
4 questioning is kind of ridiculous, Mr. Brandenburg, and  
5 I suggest you go to another line of questioning. You  
6 know, the Board, you know, takes notice of the fact that  
7 any executive is going to rely on staff in providing  
8 some material for him. I don't have to have it pointed  
9 out which is which.

10 Mr. DelBello signed the letter. He's  
11 responsible for it.

12 BY MR. BRANDENBURG: (Resuming)

13 Q Mr. DelBello, are you aware that you in this  
14 past week have sponsored as an interested state  
15 participant in this proceeding the testimony of nine  
16 other individuals who are Westchester County officials?

17 A (WITNESS DELBELLO) I am sorry. The question  
18 said, am I aware that nine others testified?

19 Q Yes.

20 A (WITNESS DELBELLO) Yes.

21 Q Now, one of those witnesses stated in  
22 substance that he had received some guidance in  
23 connection with the preparation of his testimony. Can  
24 you explain to us what role you personally played in  
25 connection with the preparation of the testimony of the

1 witnesses which you sponsored here this week?

2 MS. VETERE: Objection. That assumes facts  
3 not in evidence.

4 JUDGE GLEASON: Objection sustained.

5 BY MR. BRANDENBURG: (Resuming)

6 Q Will you describe for us, Mr. DelBello, what  
7 role you played, if any, in the preparation of the  
8 testimony of the other Westchester County witnesses  
9 which you have sponsored here in this proceeding?

10 A (WITNESS DELBELLO) I played no role in the  
11 preparation of their testimony.

12 Q Do you have any knowledge as to how the  
13 testimony of these Westchester County officials came to  
14 be offered by you in this proceeding?

15 A (WITNESS DELBELLO) By me? Offered by me?

16 Q Yes.

17 A (WITNESS DELBELLO) Their testimony by me?  
18 Would you repeat that question?

19 Q Well, do you understand that you in your  
20 former status as Westchester County Executive are the  
21 party to this proceeding through whom the testimony of  
22 these witnesses was offered? Is that what you  
23 understand?

24 A (WITNESS DELBELLO) No, it isn't.

25 Q Well, let's take Dr. Curran's testimony in

1 this proceeding, for example. What is your  
2 understanding with regard to how that testimony was  
3 offered?

4 A (WITNESS DELBELLO) I would believe that she  
5 is testifying as the chief health official for  
6 Westchester County, based upon her professional  
7 knowledge and her detailed review and her training and  
8 the exercise of the emergency response plan.

9 Q Did you have any role in the bringing about  
10 of, take Dr. Curran, for an example, with her giving  
11 testimony here?

12 A (WITNESS DELBELLO) Absolutely not.

13 Q Mr. DelBello, this morning Mr. Czaja showed  
14 you and asked you a few questions about Power Authority  
15 Exhibit 16, which was a version of the Westchester  
16 County emergency radiological response plan which you  
17 signed in August of '77. Do you recall that?

18 A (WITNESS DELBELLO) Yes.

19 Q Now, has anything occurred between August of  
20 1977 and today which has led you to believe that the  
21 current plan is inadequate?

22 MS. VETERE: Objection. That question is too  
23 general.

24 JUDGE GLEASON: What was the question again?  
25 Has anything occurred since that date?

1 MR. BRANDENBURG: Let me ask another question,  
2 then, Mr. Chairman, to respond to Ms. Vetere's request.

3 BY MR. BRANDENBURG: (Resuming)

4 Q At the time you signed Power Authority Exhibit  
5 16, was it your opinion --

6 A (WITNESS DELBELLO) I'm sorry, I cannot  
7 understand the words you are using. Please be more  
8 clear in your pronunciation.

9 Q At the time you signed Power Authority Exhibit  
10 16, was it your personal belief that there existed  
11 adequate radiological emergency planning in Westchester  
12 County?

13 A (WITNESS DELBELLO) Power Authority 16 is the  
14 radiological plan?

15 Q Dated August 1977.

16 A (WITNESS DELBELLO) Radiation response plan at  
17 Indian Point?

18 Q Yes, dated August 1977.

19 A (WITNESS DELBELLO) What was your question?

20 Q Whether at the time you signed that plan it  
21 was your personal belief that radiological emergency  
22 planning in Westchester County was adequate.

23 A (WITNESS DELBELLO) I don't know whether I had  
24 an opinion to that effect at that time. I don't know  
25 whether I had an opinion.

1 Q Do you recall seeking any, prior to your  
2 signing that document, seeking any advice as to the  
3 adequacy of radiological emergency planning in or about  
4 August of 1977?

5 A (WITNESS DELBELLO) My best memory of what  
6 occurred at that time in 1977 was that we had very  
7 little information as to the possibility of an  
8 occurrence or accident at Indian Point or the nature of  
9 that accident. But we knew that there was nothing on  
10 the books or in the plan stage that could deal with any  
11 incident out there whatsoever, and our office of  
12 emergency planning made a stab at getting together a  
13 program and they put together a very simple, small kind  
14 of program to deal with a few people who live around the  
15 plant, totally inadequate by what we know to be the  
16 dimension of the potential problems out there.

17 Q I believe you said you had in August of 1977  
18 little information on the possibility of an occurrence  
19 at Indian Point. Is it your present belief that you  
20 have more information regarding the possibility of an  
21 occurrence at Indian Point today than you did in August  
22 of 1977?

23 A (WITNESS DELBELLO) I believe Three Mile  
24 Island occurred after this date in 1977, if I am  
25 correct, and I think that is what sort of caused all

1 public officials who had nuclear reactors within their  
2 jurisdictions to take a second look at what those  
3 facilities had as potential dangers.

4 Q Specifically regarding the possibility of an  
5 occurrence at Indian Point, do you have any more  
6 information regarding the possibility of an occurrence  
7 at the Indian Point plants in particular than you did in  
8 August of 1977?

9 A (WITNESS DELBELLO) Yes, I think I do. Since  
10 we witnessed Three Mile Island coming to a near  
11 meltdown, I think we now realize that nuclear facilities  
12 have a far greater potential for danger than we ever  
13 believed they did before.

14 Q And do you believe the lessons from the Three  
15 Mile Island incident have direct application to the  
16 likelihood or the possibility of an occurrence at the  
17 Indian Point plant?

18 A (WITNESS DELBELLO) I think they tell us as  
19 public officials that we had better be serious about our  
20 planning with regard to protecting the populace that  
21 lives in or about that nuclear facility.

22 Q Mr. DelBello, let me ask you a few questions  
23 about the experiences that Westchester County had  
24 regarding large-scale disasters during your term of  
25 office as Westchester County Executive. Do you recall

1 an incident involving a serious train wreck that  
2 occurred in Dobbs Ferry during your term of office as  
3 Westchester County Executive?

4 A (WITNESS DELBELLO) Yes, I do.

5 Q Are you aware of other large-scale emergencies  
6 that occurred in Westchester County during your term of  
7 office?

8 A (WITNESS DELBELLO) Yes, I can.

9 Q Would you describe briefly for us some of the  
10 more significant events that come to your mind here  
11 today?

12 A (WITNESS DELBELLO) Two plane accidents, a  
13 number of floods, a number of serious snowstorms  
14 approaching blizzard standards, serious blackouts  
15 blacking out entire communities, major fires. That is  
16 the nature of the things that occurred.

17 Q Did many of those incidents require the  
18 deployment of County emergency response workers?

19 A (WITNESS DELBELLO) Yes.

20 Q Can you tell us whether several of those  
21 incidents involved the evacuation of Westchester County  
22 residents from their homes?

23 A (WITNESS DELBELLO) I don't know any of those  
24 that involved evacuation as such, except possibly during  
25 flooding people may have been moved from some of the



1 immediate flood danger areas. But there were no large  
2 evacuations.

3 Q How would you describe the success of the  
4 response of Westchester County emergency response  
5 workers to the events that you just described for us,  
6 the blizzards, the train wrecks, et cetera?

7 A (WITNESS DELBELLO) Our people are very  
8 competent and very able, and they are usually of great  
9 assistance in an emergency.

10 Q On any occasion following any of these  
11 significant emergencies, did you solicit or receive  
12 unsolicited from any of the Westchester County officials  
13 reports on the adequacy of Westchester County emergency  
14 worker response during those emergencies?

15 A (WITNESS DELBELLO) I believe I received  
16 reports evaluating the response and the way these  
17 various problems were handled with a view toward how we  
18 could do it better in the future, yes.

19 Q Following the receipt of such reports, did you  
20 take any actions to improve the quality of the response  
21 of Westchester County emergency response workers?

22 A (WITNESS DELBELLO) Without being specific as  
23 to which emergency or what the occurrence was, we were  
24 always looking at our systems and trying to improve  
25 them. And I know in the case of flooding we took some

1 very dramatic and very innovative steps in order to try  
2 to provide a better response. And we, in the case of  
3 flooding specifically, we created an early warning  
4 system which is one of the first of its type in New York  
5 State and put it into place, and it is currently  
6 operating as part of a response system that we designed  
7 for flooding.

8 Q In the reports which you received from County  
9 officials following the events that you have just  
10 described, do you recall any incidents in which the  
11 reports that you received indicated that Westchester  
12 County emergency response workers had abandoned their  
13 emergency response functions during the emergency?

14 A (WITNESS DELBELLO) No, I have never had any  
15 of my people abandon their functions or their  
16 responsibilities.

17 Q In connection with the reports which you  
18 received from your staff following these incidents, do  
19 you recall any instances in which there were reports of  
20 insufficient County equipment or training to respond to  
21 the events?

22 A (WITNESS DELBELLO) All the time.

23 Q And what action did you take after receiving  
24 such reports?

25 A (WITNESS DELBELLO) We do the best we can with

1 what we have. In any case of major emergency, there  
2 just never is enough equipment to handle the situation  
3 properly. We call upon whatever resources we can, but  
4 there's usually a problem in the equipment area. It  
5 just seems to be ever-present.

6 Q Mr. DelBello, I'd like to ask you a few  
7 questions about the Westchester County budgeting process  
8 and in particular the role that emergency response  
9 planning has played in that budgeting process. Just for  
10 a general frame of reference, can you tell us  
11 approximately what the total size of the Westchester  
12 County budget was in 1982?

13 A (WITNESS DELBELLO) \$560 million.

14 Q Of that amount, what amount was devoted to  
15 resources -- and by "resources" I include equipment,  
16 training and personnel, salaries and the like -- which  
17 would be called upon to respond in the event of a  
18 serious emergency of any kind occurring in Westchester  
19 County?

20 A (WITNESS DELBELLO) I would have no way of  
21 defining that particular functional breakdown without  
22 knowing the nature of the emergency, and then it would  
23 have to be pulled or extracted from the budget on a line  
24 by line basis. Just to be clear on that, if it is a  
25 police emergency it's one problem, if it's a health

1 emergency it's another. If it involves other  
2 departments of government, because of the nature of  
3 government, it would keep broadening itself into more  
4 dollars. So I couldn't respond to that question.

5 Q Let's take the Westchester County Office of  
6 Disaster and Emergency Services. Do you have any  
7 general understanding as you sit here today, of the  
8 total Westchester County budget of 1982 of approximately  
9 \$560 million, what portion thereof was devoted to the  
10 funding of that office?

11 A (WITNESS DELBELLO) Well, that is a matter of  
12 record that could be discerned from the budget. That is  
13 a very small office. It's only a few staff lines, two,  
14 three, maybe four staff lines.

15 Q Do you have any general understanding as you  
16 sit here today how much of the aggregate \$560 million  
17 Westchester County budget for 1982 was specifically  
18 earmarked for emergency services and response?

19 MS. VETERE: Objection. That has been  
20 answered.

21 JUDGE GLEASON: It has been asked and  
22 answered, Mr. Brandenburg.

23 BY MR. BRANDENBURG: (Resuming)

24 Q Mr. DelBello, in connection with the annual  
25 budgeting process in Westchester County, what

1 information was it your practice to seek from other  
2 County officials as to the appropriate amount of County  
3 moneys which would be devoted for resources for  
4 emergency response activities?

5       A       (WITNESS DELBELLO) The budget originates in  
6 its very early stages as a departmental request for  
7 funds to support the operations of a particular  
8 department or agency or division of County government  
9 for the forthcoming year. The departmental request,  
10 agency request or division request includes all of the  
11 responsibilities, programs and functions that that  
12 department has charged to it.

13             If, for example, we use the example of the  
14 health department, they have a number of functional  
15 responsibilities, everything from preventative health  
16 care to emergency type of response care. So in the  
17 departmental request will be encompassed, both in a  
18 staffing pattern, equipment and supervision  
19 configuration all of the needs of that department.

20             That request then goes through a series of  
21 other operations within the County government over a  
22 period of months before it is refined into a County  
23 Executive's budget. But it initiates with a  
24 departmental request.

25       Q       Would it be fair to say, Mr. DelBello, that

1 during your term as Westchester County Executive the  
2 nature of the budgeting process within the County made  
3 it difficult for you or for members of your staff to  
4 specifically identify portions of the budget that would  
5 be appropriate for disaster response?

6 JUDGE GLEASON: Mr. Brandenburg, where is this  
7 line of questioning taking us?

8 MR. BRANDENBURG: I am seeking to ascertain  
9 --

10 JUDGE GLEASON: He has already stated that  
11 this thing is not allocated in a specific sense.

12 1 MR. BRANDENBURG: Yes.

13 JUDGE GLEASON: So why do you ask a question  
14 like that?

15 MR. BRANDENBURG: Well, he has stated that the  
16 non-emergency response activities for certain  
17 departments were intermingled in the budgeting process  
18 with emergency response functions.

19 JUDGE GLEASON: Right.

20 MR. BRANDENBURG: And my next question is, in  
21 connection with those procedures for the development of  
22 the Westchester County budget, whether it occurred to  
23 him that there were some problems associated with that  
24 budgeting process that made it difficult for him to  
25 evaluate whether the level of the forces being devoted

1 to emergency response was sufficient.

2           WITNESS DELBELLO: All right. If I were to  
3 answer, I would say that if I knew what the definition  
4 of "emergency response" was, if you defined for me the  
5 dimension of the occurrence, I could pull out of that  
6 budget with great accuracy the dollar amounts that would  
7 be contained in that budget that would be reactive to  
8 that occurrence. "Emergency response" is such a general  
9 term that it's impossible in my own mind to be able to  
10 define what is meant by that.

11           BY MR. BRANDENBURG: (Resuming)

12           Q Well, let's take as an example, Mr. DelBello,  
13 the level of police resources that would be called upon  
14 to respond to an emergency situation such as the ones  
15 you described, the fires, the snowstorms, et cetera, et  
16 cetera. Do you believe that during your term of office  
17 as Westchester County Executive the County spent a  
18 higher or a lower percentage of its aggregate budget for  
19 such resources than other local governments similarly  
20 situated throughout the country?

21           MS. VETERE: Objection. That is irrelevant.

22           JUDGE GLEASON: On what?

23           MR. BRANDENBURG: My question related to the  
24 police resources that would be used in an emergency  
25 response context, and my specific question was whether

1 Mr. DelBello has any understanding of whether the  
2 percentage or the portion of the County budget devoted  
3 to such resources was greater or smaller than that that  
4 would be devoted to such responses in other governments  
5 similarly situated.

6 JUDGE GLEASON: Mr. Brandenburg, this may come  
7 from my own experience, but, first of all, what is the  
8 ultimate question you are trying to get an answer to?  
9 Because if I could understand that I would ask you to  
10 ask that question. And let's stop -- I get the feeling  
11 that we're building up to something, and we are  
12 repeating, but just taking a couple of gradations change  
13 in each question building up to something. And I'd like  
14 to know what it's building up to.

15 Where are you going? What are you trying to  
16 do? Are you trying to find out when Mr. DelBello first  
17 got concerned about emergency planning? If you are, ask  
18 him that question.

19 MR. BRANDENBURG: I'm trying to ascertain what  
20 yardsticks he used, Mr. Chairman, in deciding how much  
21 of the aggregate Westchester County budget during his  
22 term of office as County Executive should have been  
23 devoted to emergency planning.

24 JUDGE GLEASON: Then why don't you ask him  
25 that question.



1 BY MR. BRANDENBURG: (Resuming)

2 Q Let me put that question to you, Mr.  
3 DelBello. What yardsticks did you use during your term  
4 of office as Westchester County Executive as to the  
5 extent of the overall Westchester County budget that  
6 should be devoted to generic emergency planning?

7 A (WITNESS DELBELLO) I used as yardsticks the  
8 amount of need that we had contrasted to the amount of  
9 available resources.

10 Q Can you give us something a little more  
11 specific, Mr. DelBello, as to how you evaluated the need  
12 that you just referred to?

13 A (WITNESS DELBELLO) If a Commissioner defined  
14 for me an area in which he had a responsibility or she  
15 had a responsibility, in which they were unable to  
16 satisfy that responsibility because of inadequate  
17 resources being made available to them, I would then  
18 analyze the need, the resources they were requesting to  
19 respond to the responsibility, as opposed to the total  
20 resources I had available to me or could have available  
21 to me as the County government, and I would apportion  
22 what I felt was an appropriate amount of resource to  
23 respond to that function.

24 Q Do you recall instances during your term of  
25 office as Westchester County Executive, Mr. DelBello, in

1 which you cut back on the requests from your various  
2 departments for the funds that would be used for generic  
3 emergency planning?

4 A (WITNESS DELBELLO) Of course. Every year  
5 that I'm in office I cut back from requests.

6 (Pause.)

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1 Q Mr. DelBello, a few moments ago we were  
2 discussing Power Authority Exhibit 16, which is the  
3 August 1977 Westchester County plan which you signed.  
4 My present question relates to the present Westchester  
5 County radiological emergency response plan.

6 In 1981 and 1982, was your approval of the  
7 current Westchester County radiological emergency  
8 response plan ever sought?

9 A (WITNESS DELBELLO) I believe it was, yes.

10 Q Do you recall here today what the  
11 circumstances were of that?

12 A (WITNESS DELBELLO) The plan was presented to  
13 us by the consultants and there was a request, direct or  
14 indirect -- I don't know how it was made -- that we  
15 brace that plan or sign off on that plan. My  
16 departments, in analyzing the plan, indicted that there  
17 were severe deficiencies in the plan. I indicated  
18 publicly that I would not sign off on that plan, thereby  
19 meaning I would not approve it as a County plan, and we  
20 called for public hearings on it and put it through its  
21 paces.

22 And to date, or at least while I was still in  
23 office, up until two weeks ago, I still had certain  
24 reservations with regard to that plan and would not sign  
25 off on it.

1 Q Could you describe for us briefly the  
2 procedure that you put in place to solicit the views of  
3 various County officials as to the sufficiency of that  
4 plan?

5 A (WITNESS DELBELLO) We took the plan as it was  
6 presented by the consultants and submitted it to each of  
7 the departments that would be responsible for  
8 implementing phases of that plan and I asked the  
9 departments to be honest, to be open, and to react to  
10 it, to let me know whether it was workable or unworkable  
11 or whether there were deficiencies or problems with it.

12 The departments then wrote reports, fairly  
13 lengthy, detailed reports, on each of their disciplines  
14 and we forwarded those reports to the consultants or the  
15 utilities or what have you. We made it known publicly  
16 to the people who were interested.

17 Q How were the requests for the preparation of  
18 these reports communicated from your office to the  
19 various Westchester County departments that prepared  
20 them?

21 MS. VETERE: Objection. I believe that is  
22 irrelevant.

23 JUDGE GLEASON: It is not irrelevant, but it  
24 sure is unnecessary, Mr. Brandenburg. He called them  
25 up, he wrote them a memo. Who cares?

1 MR. BRANDENBURG: That is what I am trying to  
2 find out.

3 WITNESS DELBELLO: I believe I sent them a  
4 memo.

5 BY MR. BRANDENBURG: (Resuming)

6 Q Did you give them any guidance as to the  
7 standards that they should use in connection with  
8 evaluating the draft plan?

9 A (WITNESS DELBELLO) None at all, no.

10 Q Do you recall, Mr. DelBello, making personal  
11 inquiry of any Westchester County officials as to the  
12 adequacy of the Westchester County radiological  
13 emergency response plan prior to your determination not  
14 to sign off on that plan?

15 A (WITNESS DELBELLO) Oh, absolutely.

16 Q Would you describe for us briefly what you  
17 recall about your personal communications on that?

18 A (WITNESS DELBELLO) I had joint cabinet  
19 meetings with the affected agencies and I had individual  
20 discussions with the Commissioners of those agencies on  
21 a number of occasions, and I had discussions on a number  
22 of occasions with the other three counties and the other  
23 three County Executives or County officials and people  
24 charged both in the health and emergency area from those  
25 counties eliciting the opinions of those people as to

1 their evaluation of the emergency response plan.

2 Q Mr. DelBello, at page two of your supplemental  
3 testimony you refer to a minimum necessary -- I believe  
4 that is the term -- radiological emergency response  
5 budget for Westchester County of \$1.8 million.

6 Do you recall that?

7 A (WITNESS DELBELLO) Yes.

8 Q Can you describe for us briefly how that  
9 budget was developed? Was this part and parcel of the  
10 process that you have just described in evaluating the  
11 draft plan, or was this separate?

12 A (WITNESS DELBELLO) Yes. I asked each  
13 department head, again, to be as honest as they possibly  
14 could in arriving at a figure that they would require  
15 for their department in order to carry out the function  
16 as outlined in the emergency response plan, then to  
17 submit that figure with some detail attached to it so  
18 that we could compile it into a single budget for that  
19 emergency response plan.

20 Q Beyond what you just mentioned, did you tell  
21 or did you communicate indirectly through your staff to  
22 any of the Westchester County officials that were  
23 preparing their portions of that plan instructions that  
24 they should make any certain assumptions in preparing  
25 their portion of the budget?

1 MS. VETERE: Objection. That question is too  
2 general and vague.

3 JUDGE GLEASON: He is trying to ask the  
4 question whether Mr. DelBello told them what to try to  
5 put in their reports. Respond to that, please.

6 WITNESS DELBELLO: No. I don't believe I  
7 asked them to make any assumptions nor give them any  
8 specific guidelines to follow.

9 BY MR. BRANDENBURG: (Resuming)

10 Q Now was this \$1.8 million minimum necessary  
11 radiological emergency response budget to which you  
12 refer in your testimony, Mr. DelBello, ever submitted as  
13 part of the regular annual budget process in Westchester  
14 County?

15 A (WITNESS DELBELLO) No.

16 Q Why was that not done?

17 A (WITNESS DELBELLO) Because I feel very  
18 strongly that the responsibility for the nuclear  
19 facility is that of the utilities which are licensed to  
20 operate and make a profit off that facility for their  
21 stockholders and of the NRC, which licenses and  
22 regulates it, and not the County of Westchester nor the  
23 County of Westchester's taxpayers.

24 This budget is a configuration of costs that  
25 is as accurately and as carefully designed to react to a

1 nuclear emergency that would only emanate from a nuclear  
2 reactor located at Indian Point. Therefore, I feel very  
3 strongly it is not the responsibility of the people of  
4 this County through their taxes to pay for the reaction  
5 necessary to keep the utilities in business at Indian  
6 Point.

7 Q You acknowledged earlier, though, I believe,  
8 did you not, that the residents of Westchester County  
9 would suffer substantial economic detriment were the  
10 interruption of the Indian Point units to occur?

11 A (WITNESS DELBELLO) That is correct.

12 Q You are aware, of course, that were there  
13 substantial inadequacies in the radiological emergency  
14 planning to continue, that the operation of the Indian  
15 Point units could be interrupted?

16 MS. VETERE: Objection. That assumes facts  
17 not in evidence.

18 MR. BRANDENBURG: Well, let me ask just one  
19 quick question in that regard, Mr. Chairman.

20 BY MR. BRANDENBURG: (Resuming)

21 Q You are aware that the NRC has certain  
22 regulations that would threaten the continued operation  
23 of a nuclear plant where there was an insufficient  
24 emergency planning, is that correct?

25 A (WITNESS DELBELLO) That is correct.



1 Q Mr. DelBello, at page two, paragraph two of  
2 your testimony -- and I am now referring to your  
3 original testimony, not to your supplemental  
4 testimony -- you state toward the bottom of that page  
5 that the County was not looking for a windfall. Perhaps  
6 I should quote it, the fourth line up from the bottom.

7 "We are not looking for a windfall or backdoor  
8 funding for emergency response preparedness." Do you  
9 see that passage?

10 A (WITNESS DELBELLO) Yes, I do.

11 Q Now what type of expenditures do you believe  
12 that the County should make for preparedness which is  
13 peculiarly radiological and would not be appropriate for  
14 use in another type of emergency?

15 A (WITNESS DELBELLO) What kind should we make  
16 or should not we make? I didn't get the --

17 Q How do you distinguish between expenditures  
18 for emergency response that would be appropriate for  
19 generic emergencies which you say here should not be  
20 funded by the utilities on the one hand, and those  
21 expenses which would be used specifically for a  
22 radiological emergency which you suggest should be paid  
23 for by the utilities? How do you distinguish between  
24 those two?

25 A (WITNESS DELBELLO) Well, in the requisite

1 resources that were outlined by our departments in order  
2 to deal with this particular kind of an emergency, there  
3 are items that are exclusively that which would be used  
4 in the case of a radiological incident such as  
5 dosimeters and dedicated computer systems and  
6 respirators and filters and TLD chips and certain other  
7 kinds of apparatus that are clearly exclusively within  
8 the domain of this kind of an accident.

9           There are then attendant to that certain  
10 numbers of personnel that would be required to handle  
11 that equipment, to handle specific responsibilities as  
12 outlined in the plan, and the overlying piece would be  
13 an additional component to a communications system that  
14 allowed for an intercoordination on a municipal basis  
15 that doesn't exist today within our County, which would  
16 again be required by the nature of this incident or the  
17 possibility of an occurrence at this plant because of  
18 the very large area that would be involved.

19           Q     Now are the deficiencies in communication  
20 equipment to which you referred and which, I might add,  
21 we heard a great deal about this week, are those  
22 deficiencies that are peculiar to radiological  
23 emergencies or do those generally impact the functioning  
24 of the Westchester County government?

25           A     (WITNESS DELBELLO) Well, the Westchester

1 County government has been able to respond to all of its  
2 emergencies along with its local emergency agencies in  
3 the municipalities with a high degree of success without  
4 that equipment. What makes that equipment necessary in  
5 this kind of a case is the broad area, the ten-mile  
6 planning area, and the possibility of a plume traveling  
7 over a very large distance which requires rapid  
8 inter-municipal communication beyond that which we have  
9 in place today and beyond that which we would probably  
10 need for the normal emergency that we are prepared for.

11 Q Do you have any understanding as to whether  
12 the current state of police communication resources in  
13 Westchester County affects the ability of Westchester  
14 County officials to pursue armed felons across  
15 jurisdictional boundaries within the County?

16 A (WITNESS DELBELLO) Would you repeat that  
17 question, please, particularly the last part?

18 Q Do you have any understanding whether the  
19 present level of police communications equipment within  
20 Westchester County affects the ability of County  
21 officials to pursue armed felons across jurisdictional  
22 boundaries within the County?

23 A (WITNESS DELBELLO) Whether it affects their  
24 ability to pursue armed felons across jurisdictions?  
25 They are capable of pursuing armed felons across

1 jurisdictions today through a hot line system that we  
2 currently have in place and have been using and there  
3 are ways of making that system more sophisticated.

4 They can pursue armed felons and have pursued  
5 armed felons. we have arrested armed felons who have  
6 been pursued over municipal jurisdictional lines.

7 Q In your answer before your most recent answer,  
8 Mr. DelBello, you referred to equipment which would be  
9 used exclusively for a radiological emergency response  
10 and you mentioned dosimeters and filters and things of  
11 that nature, and you also added personnel as well.

12 Is it this equipment and personnel which you  
13 believe should be the exclusive responsibility of the  
14 utilities to support?

15 A (WITNESS DELBELLO) Yes, it is.

16 Q And equipment which should not be used  
17 exclusively for radiological purposes, if I understand  
18 your reference here on page two of your testimony, is  
19 equipment which in your judgment the utility should not  
20 be required to support. Is that also correct?

21 A (WITNESS DELBELLO) Again, there is equipment  
22 that would be required for the purposes of implementing  
23 the emergency response plan that I believe is the  
24 responsibility of the utilities so that the cost of  
25 nuclear energy is internalized within the nuclear

1 industry. There is other equipment that a government  
2 and its municipalities need from time to time for other  
3 types of emergencies which I think they should be  
4 required to purchase.

5 Q Mr. DelBello, at several points in your  
6 testimony you suggest that evacuation of Westchester  
7 County in the event of a radiological emergency should  
8 occur in a period of approximately seven to nine hours.  
9 Do you recall that?

10 A (WITNESS DELBELLO) Yes, I do.

11 Q What is the source of your information that an  
12 evacuation time of seven to nine hours is necessary in  
13 the event of a radiological emergency at Indian Point?

14 A (WITNESS DELBELLO) The consultants who  
15 designed the plan for the utility companies stated that  
16 was their goal. They were designing against a seven to  
17 nine-hour period for evacuation.

18 Q Do you have any understanding as to how the  
19 seven to nine-hour estimate was prepared?

20 A (WITNESS DELBELLO) No, I don't.

21 Q Now elsewhere in your testimony you referred  
22 to an estimate of 30 to 36 hours to evacuate that  
23 portion of Westchester County within the ten-mile EPZ of  
24 Indian Point. Do you recall that?

25 A (WITNESS DELBELLO) Yes, I do.

1 Q Can you tell us what the origin of the 30 to  
2 36-hour estimate is?

3 A (WITNESS DELBELLO) That is taking the  
4 evacuation plan the way it has been outlined and  
5 allowing for the kinds of problems that I think would  
6 occur with regard to that plan, and projecting that out,  
7 my best guess is it would take 36 hours.

8 Q Was this 30 to 36-hour estimate one that you  
9 personally arrived at or one that was recommended to you  
10 by some member of your staff?

11 A (WITNESS DELBELLO) Arrived at with the help  
12 of staff.

13 Q Can you describe for us briefly the manner in  
14 which this estimate was prepared, if you know?

15 A (WITNESS DELBELLO) Repeat the question.

16 Q We're talking about the 30 to --

17 A (WITNESS DELBELLO) Just repeat the question.

18 Q Would you tell us briefly -- you said you had  
19 assistance from your staff. Would you describe for us  
20 briefly how that estimate was prepared by your staff?

21 A (WITNESS DELBELLO) I asked my staff to make  
22 an estimate of how long it would take, based on the fact  
23 that we would have to allow for certain contingencies  
24 that normally do occur in any kind of plan like this in  
25 moving buses and people through that particular area.

1 And I asked them to take into consideration all of those  
2 contingencies and project that out on a low side and on  
3 a high side, and this was the number that we came up  
4 with.

5 Q Are you aware of what procedures or techniques  
6 were used by members of your staff in preparing this  
7 estimate?

8 A (WITNESS DELBELLO) No, I don't.

9 Q Mr. DelBello, at page four of your initial  
10 testimony in this case, the fifth line up from the  
11 bottom of that page, you refer to a "worst case  
12 scenario". Do you see that passage?

13 A (WITNESS DELBELLO) Yes.

14 Q What is your understanding of what a worst  
15 case scenario is that you refer to here on page four of  
16 your testimony?

17 A (WITNESS DELBELLO) The worst case scenario is  
18 defined more accurately than I am capable of doing it by  
19 our health officials and it involves a radiological  
20 release into the atmosphere of a certain intensity and  
21 of a certain type of radiological material which in  
22 layman's terms is extremely dangerous.

23 Q Mr. DelBello, in response to a question posed  
24 to you by Mr. Czaja this morning you said words to the  
25 effect that if there was a radioactive cloud overhead we

1 should get the people out. Do you recall that?

2 A (WITNESS DELBELLO) Yes.

3 Q Is it your understanding that any release of  
4 radioactivity from the Indian Point plants would require  
5 the evacuation of citizens of Westchester County?

6 A (WITNESS DELBELLO) No. There are certain  
7 types of releases where, in the judgment of the state  
8 health officials and the county health officials, they  
9 may deem it wiser to shelter and evacuate, but that is a  
10 judgment that has to be made by health commissioners and  
11 health experts.

12 Q All right. Now there are certain  
13 circumstances, are there not, where the County Executive  
14 would be the person responsible for determining whether  
15 an evacuation should be ordered? Is that correct?

16 A (WITNESS DELBELLO) In the planning the way it  
17 is done today it is up to the County Executive to make  
18 that decision unless he is superceded by the Governor  
19 after declaring a state emergency.

20 Q And in that latter eventuality it would be the  
21 Governor, would it not, who would have to make the  
22 decision?

23 A (WITNESS DELBELLO) Yes.

24 Q And in your present capacity as Lieutenant  
25 Governor, during the absence of the Governor from the



1 State, would that responsibility fall upon you?

2 A (WITNESS DELBELLO) Yes, it would.

3 Q Now either during your term of office as  
4 Westchester County Executive or during your present term  
5 as Lieutenant Governor, have you ever sought from  
6 responsible health officials any estimate of the types  
7 of information that you would need in order to make an  
8 informed decision as to whether or not to call for an  
9 evacuation?

10 A (WITNESS DELBELLO) Yes. We went through an  
11 extensive exercise in March of last year and we spent a  
12 great of time in preparing for that exercise between the  
13 preparation for the exercise and the actual exercise  
14 itself. We tested a number of scenarios in order to  
15 assure that the kind of input information and advice  
16 that the County Executive would require in order to make  
17 those decisions would be available to him. And we have  
18 refined the system as best we could to get that  
19 information to him.

20 Q What is your understanding of the essential  
21 elements of information that you would be required to  
22 have at your disposal in order to make an informed  
23 decision as to whether or not to order an evacuation?

24 A (WITNESS DELBELLO) Well, we have a dose  
25 assessment room in our emergency center in which we have

1 a series of health experts and technicians who work out  
2 on a series of pre-designed atmospheric models the  
3 direction of the plume, the content of the plume and the  
4 intensity of the plume, and they derive through this  
5 mathematical, mechanical process what the dose would  
6 be -- the dose assessment.

7           This is supervised by the County's Health  
8 Commissioner. The Health Commissioner then makes an  
9 analysis of this along with her radiological people and  
10 advises the County Executive on the nature of the plume,  
11 the intensity of it, the danger of it, and so forth.  
12 That is factored in with other technicians that we have  
13 brought onto the scene to determine exactly what is  
14 happening on the site and in the reactor and in the  
15 reactor vessel and in the containment area so that we  
16 would know exactly what the release patterns would be in  
17 their projections.

18           And there are a number of other factors  
19 brought in by other departments, all of whom are present  
20 at the same time in an emergency center. And then the  
21 County Executive must use that information to make the  
22 best judgment he can as to whether to call for  
23 evacuation or not.

24           Q     Now in connection with the worst case scenario  
25 that we were discussing a moment ago and is referred to

1 in page four of your testimony, is it your understanding  
2 that in a worst case scenario the preferred protective  
3 response would be rapid evacuation as distinguished from  
4 some other response?

5 A (WITNESS DELBELLO) No. The plan calls for  
6 evacuation under certain predetermined conditions, but  
7 there are so many other factors that pertain that I  
8 don't think it would be possible to project when a  
9 County Executive may call for it and when he may not.

10 The atmospheric conditions, the variations of  
11 those conditions, the direction of the plume are all  
12 going to be taken into consideration by a County  
13 Executive before he calls for evacuation. But yes,  
14 under certain types of emergency when we are, you know,  
15 reaching the general emergency area, evacuation must be  
16 considered as a definite alternative.

17 Q What information have you been provided with,  
18 Mr. DelBello, about the role of sheltering in  
19 radiological emergency response?

20 A (WITNESS DELBELLO) I have been advised by our  
21 Health Commissioner that sheltering is an alternative  
22 that must be considered and under certain conditions can  
23 be effective, although in that area of Indian Point we  
24 do not have the kind of facilities that are desirable  
25 for sheltering.

1           Some of the facilities might work for  
2 sheltering under certain conditions, certain types of  
3 radiological release. And that sheltering may be our  
4 only recourse if we get an occurrence with a rapid  
5 degeneration in which we just cannot move people and a  
6 Chief Executive determines he is unwilling to risk  
7 people out in the street in an evacuation plan that he  
8 just deems is not workable. Sheltering would be our  
9 only alternative.

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1 Q Is the rapid occurrence to which you just  
2 referred the same as the worst case scenario that is  
3 referred to here on page 4 of your testimony?

4 A (WITNESS DELBELLO) No, I don't think so. I  
5 think when I say worst case scenario we're talking about  
6 a much broader definition of the type of occurrence. A  
7 worsening, a rapid worsening condition is one where in a  
8 matter of very short periods of time the whole reactor  
9 starts coming apart around you and you have to react to  
10 it very rapidly, and you just cannot move people under  
11 those conditions.

12 The scenarios which the State presented to us,  
13 which FEMA presented to us, have that rapid degenerating  
14 component in it. So I guess they figure that is a real  
15 component for us to make a judgment on.

16 Q Mr. DelBello, what is your general  
17 understanding as to the occasions when sheltering would  
18 be the preferred protective responses, versus those  
19 situations where you understand that evacuation would be  
20 the preferred protected response?

21 A (WITNESS DELBELLO) Again, I don't think  
22 there's any clear lines to guide the chief executive at  
23 that point. The input of the health experts would have  
24 to be established as to the amount of risk that would be  
25 involved in sheltering as opposed -- in sheltering under

1 a plume of a certain nature. Then the chief executive  
2 would have to make the determination of whether he  
3 thought evacuation was possible or not and weigh that  
4 against leaving the people in a sheltered state under  
5 that plume.

6 It is a very difficult decision, a very  
7 onerous decision to put upon a person to make.

8 Q A moment ago, Mr. DelBello, you responded to  
9 one of my questions with an answer that facilities which  
10 would be desirable for sheltering were not generally  
11 available in Westchester County. Could you describe for  
12 us a little more what you were getting at?

13 A (WITNESS DELBELLC) Yes. Many of the homes in  
14 that area were made out of wood and would provide very  
15 little sheltering to people if they stayed in their  
16 homes and closed their windows and doors. They are not  
17 the kinds of structures that are desirable for shelter.

18 Q And what is the source of your information  
19 about the sheltering capability of structures within  
20 Westchester County?

21 A (WITNESS DELBELLO) My Health Commissioner.

22 Q Can you tell us a little more detail about the  
23 quality or the content of the information that you have  
24 on the sheltering? Were you told 25 percent of houses  
25 were out of wood or something like that? What type of

1 information did you get on that point?

2           A       (WITNESS DELBELLO) We had fairly in-depth  
3 discussions as to the alternative of sheltering in the  
4 case of an emergency as opposed to that of an  
5 evacuation, and I inquired at some length of our Health  
6 Commissioner at that time as to the feasibility of using  
7 sheltering in Westchester County in the area of the  
8 Indian Point plant. And I was informed that, although  
9 sheltering is an available alternative, it would  
10 probably have minimal protective opportunities to most  
11 people in the area because of the nature of the  
12 dwellings in which they lived, and that no doubt great  
13 alteration would be required before those dwellings  
14 could be made adequate in most cases for sheltering  
15 protection.

16                   Beyond that kind of information I did not  
17 pursue.

18           Q       Mr. DelBello, as I understand your testimony,  
19 one of your principal areas of concern appears to be  
20 with regard to the transportation component of the  
21 Westchester County radiological emergency plan.

22           A       (WITNESS DELBELLO) That is correct.

23           Q       What is your understanding as to how many  
24 residents of Westchester County would be transit  
25 dependent in the event of an incident at Indian Point?

1           A       (WITNESS DELBELLO) I don't remember what the  
2 number was. We have 130,000 people within the ten-mile  
3 radius in Westchester. But transit dependent, I'm not  
4 sure what that number is.

5           Q       Do you have any understanding as to how these  
6 130,000 persons were categorized as either transit  
7 dependent or non-transit dependent?

8           MS. VETERE: Objection. That has been asked  
9 and answered.

10          JUDGE GLEASON: Go on.

11          (Pause.)

12          BY MR. BRANDENBURG: (Resuming)

13          Q       Mr. DelBello, at the bottom of page 1 of your  
14 amended testimony that was handed to us just a few  
15 minutes before the commencement of your testimony here  
16 this morning, you refer to advice and recommendations  
17 that you will be submitting to the Governor to critique  
18 and evaluate disaster preparedness policies in New  
19 York. Do you see that passage?

20          A       (WITNESS DELBELLO) Yes, I do.

21          Q       Will your activities in that regard be  
22 confined to radiological emergency planning or is it  
23 your intention to report to the Governor on all  
24 emergency planning activities in the State?

25          A       (WITNESS DELBELLO) I think to begin with



1 it'll be radiological planning.

2 Q Can you tell us why you selected radiological  
3 emergency planning rather than some other type of  
4 emergency planning as to the initial activity that you  
5 wish to critique for the Governor?

6 A (WITNESS DELBELLO) Yes. Because the Governor  
7 made it publicly known that he asked me to take the lead  
8 on the radiological emergency problem in the State of  
9 New York. So I thought I would respond to him, since  
10 he's the one who asked me to do it.

11 Q Mr. DelBello, are you aware that Article 2.B  
12 of the Executive Law of the State of New York presently  
13 provides that the State should prepare generic emergency  
14 response plans that would cover both radiological and  
15 non-radiological accidents?

16 A (WITNESS DELBELLO) Yes.

17 Q Do you believe that the state and local  
18 governments have fulfilled this generic emergency  
19 response capability that exists under Article 2.B of the  
20 Executive Law?

21 A (WITNESS DELBELLO) That the state and local  
22 governments? I would not know.

23 Q Well, let's just take the State. Do you  
24 believe that the State has fulfilled its  
25 responsibilities under Article 2.B of the Executive Law

1 relating to generic emergency planning?

2 A (WITNESS DELBELLO) I don't know if they have  
3 or not, to tell you the truth. I just don't know.

4 Q And how about Westchester County?

5 A (WITNESS DELBELLO) I think Westchester County  
6 had developed an early -- had initiated an early effort  
7 to get a Countywide emergency plan in effect, but that  
8 this has been totally superseded now by the initiative  
9 undertaken by the utilities and their consultants and  
10 FEMA and the State of New York, and the County now is in  
11 a reactive position as opposed to an affirmative  
12 position in developing the plan.

13 (Pause.)

14 MR. BRANDENBURG: Mr. Chairman, I have no  
15 further questions of this witness at this time.

16 JUDGE GLEASON: Ms. Vetere?

17 MS. VETERE: May I have a moment, Your Honor.

18 MR. BRODSKY: Your Honor, while they are  
19 conferring if I may make a very brief statement.  
20 Because of my assumption of office at the state level, I  
21 will be unable to participate in this room as I have in  
22 the past in these proceedings. I would like it noted  
23 that that does not indicate a diminished interest in  
24 these proceedings or a total lack of physical presence  
25 here.

1 I will be here as my schedule permits, and in  
2 the interim I have, as I am required to do under my  
3 charter as a participant, an Intervenor in these  
4 proceedings, left certain questions with other of the  
5 Intervenors for purposes of cross-examination today, and  
6 will do so in the future.

7 JUDGE GLEASON: All right, Mr. Brodsky.

8 MS. VETERE: Mr. Chairman, I have no questions  
9 at this time.

10 JUDGE GLEASON: Who's going to be the main  
11 speaker?

12 MS. RODRIGUEZ: I am, Your Honor.

13 JUDGE GLEASON: I didn't ask the question  
14 yet.

15 MS. RODRIGUEZ: I thought I missed something.

16 JUDGE GLEASON: Are you going to be the main  
17 interrogator?

18 MS. RODRIGUEZ: Yes.

19 JUDGE GLEASON: All right.

20 CROSS-EXAMINATION ON BEHALF OF  
21 PARENTS CONCERNED ABOUT INDIAN POINT  
22 BY MS. RODRIGUEZ:

23 Q Good morning, Mr. DelBello. I am Phyllis  
24 Rodriguez of Parents Concerned About Indian Point.  
25 You testified earlier that in any emergency

1 there is never enough equipment, yet the emergency  
2 workers make do with what they have. In what way does  
3 the response to a nuclear emergency differ from a normal  
4 emergency response?

5 A (WITNESS DELBELLO) Well, first off, it deals  
6 with a substance, radioactive material, that is very  
7 difficult to handle. Most people in the emergency  
8 response field have no familiarity, knowledge or  
9 understanding of how to deal with that substance.

10 Secondly, it deals with a vast area of  
11 geography that involves all types of jurisdictions and  
12 all types of emergency agencies at the local level and  
13 the regional level, and it involves the responding to  
14 very large numbers of people, very large numbers of  
15 establishments, very unique types of problems involving  
16 watershed, properties, railroads, roadways, rivers, and  
17 so forth, all at the same time. So it is not a typical  
18 emergency, nor is it the kind of emergency that our  
19 people ever have to deal with under normal occurrences.

20 Q Would you say that the lack of proper  
21 equipment under normal emergency circumstances has ever  
22 lengthened the response time of the workers?

23 A (WITNESS DELBELLO) Well, it can. It depends  
24 on the type of equipment that is either in short supply  
25 or should be on hand. The emergency forces today have

1 the equipment they need to respond. There is always a  
2 situation where more equipment and different types of  
3 equipment are desirable and might help in a particular  
4 instance if they're needed. But whatever equipment is  
5 on hand today is adequate for the purpose. The other  
6 equipment is usually something desired but not  
7 necessarily needed.

8 Q Would you say that the perennial lack of such  
9 resources or equipment would place workers in an  
:0 additionally hazardous position?

11 A (WITNESS DELBELLO) In what type of an event?

12 Q During a normal type emergency.

13 A (WITNESS DELBELLO) It could, it could. Under  
14 certain circumstances it could.

15 Q In the case of a nuclear emergency, would  
16 workers be able to compensate for lack of dosimeters and  
17 protective clothing?

18 A (WITNESS DELBELLO) From my understanding of  
19 the problem, I would not believe so. I think they need  
20 very specialized equipment and specialized training in  
21 order to deal with this type of an emergency.

22 Q You had also testified earlier that you cut  
23 back somewhat on your request for emergency preparedness  
24 funds. Did you also have to cut back on requests for  
25 funding in other areas?

1           A       (WITNESS DELBELLO) I didn't understand the  
2 funding -- or the answer was inaccurate. I was saying  
3 in my response that I cut back on every departmental  
4 request all the time. The question was a very broad  
5 question, and it just in my understanding of it referred  
6 to departmental requests.

7                   There is a procedure that the department  
8 tenders requests of everything they need and that is  
9 appropriate. No government can ever fund everything  
10 that a department head needs.

11           Q       Thank you.

12                   I would like just to touch on this idea of  
13 good faith, dealings in good faith between the  
14 utilities, the State and the County. What exactly does  
15 "good faith" mean? Does it mean anything more than a  
16 willingness to go to meetings, produce documents, answer  
17 telephone calls?

18                   What exactly does that mean?

19           A       (WITNESS DELBELLO) I think the way I have  
20 used the term "good faith" in my correspondence, it  
21 means that I believe everybody involved would like to  
22 solve the problem, and that we have had good  
23 communication, gotten our questions answered in many  
24 cases. But I think primarily it means that I believe  
25 everybody would like to see the problem solved, without

1 going any farther than that.

2 Q To your knowledge, did any -- excuse me one  
3 moment.

4 (Pause.)

5 Q I'll go on to another question. Is it correct  
6 that the Westchester County Executive is designated by  
7 the emergency response plan as having lead  
8 responsibility for command and control in the event of  
9 an emergency?

10 A (WITNESS DELBELLO) Up to the point that it is  
11 declared as a state emergency by the Governor.

12 Q And would you describe the role of the County  
13 Executive under these circumstances as to --

14 JUDGE GLEASON: I think we've already gone  
15 into this area. It's in the record.

16 BY MS. RODRIGUEZ: (Resuming)

17 Q How would you describe the communication  
18 between -- during the March 3rd drill between you as  
19 commander of the operations and your Commissioners and  
20 department heads?

21 A (WITNESS DELBELLO) Well, the Commissioners  
22 and the department heads are part of the EOC, the  
23 emergency operating center. So there's very little --  
24 there's very easy communication with them. They're  
25 sitting in the same suite of rooms that you are. No

1 problem there.

2 Q So you would say that at you end, at the EOC,  
3 things ran efficiently?

4 A (WITNESS DELBELLO) It is a very complex  
5 program. It doesn't lend itself to general questions.  
6 Communicating in the first instance with the  
7 Commissioners is dependent upon telephone. Having made  
8 contact with them, if they are able to get into the EOC  
9 then there is no problem because they're there. So once  
10 you get them there there's no problem. Getting them  
11 there can be difficult and so forth.

12 In a drill context that is not a problem,  
13 because you don't really have an emergency. You are  
14 drilling. So you usually can get a hold of people and  
15 get them in.

16 So you really have to break the drill or the  
17 emergency down into different elements before you can  
18 describe it. It doesn't lend itself to general  
19 questions. There are many components to it.

20 Q So in other words, because it was a drill and  
21 there was prior warning, everybody was in the EOC who  
22 was supposed to be, but if an emergency were to occur  
23 without warning and the department heads, various  
24 department heads, had to be communicated with to report  
25 to the EOC, that that might be a problem?



1           A       (WITNESS DELBELLO) Yeah, it could be a  
2 problem. We are totally reliant on the telephone in the  
3 locating of these Commissioners. But there are backups,  
4 deputies and assistants that can stand in for them in  
5 many cases.

6           Q       Are there any circumstances that you could  
7 imagine where communication problems would arise or in  
8 your experience have once the people are all in place?

9           A       (WITNESS DELBELLO) Well, once they are all in  
10 the EOC a great deal of the communication is totally  
11 dependent on telephone lines, although we do have radio  
12 backup systems for the different emergency forces. The  
13 biggest problem would probably be in the area of  
14 maintaining telephone communication with the other  
15 Counties. That is done by telephone and not radio.

16                   Unless all four Counties are totally  
17 communicative with each other and have a total  
18 synchronization of what they're doing, you could run  
19 into some very serious problems. Then the communication  
20 with the State and the Governor's office and the State  
21 EOC is by telephone line also, and that is a very  
22 delicate system that can be subject to disturbance very  
23 easily.

24                   I have found in fairly moderate emergency  
25 circumstances telephone lines are probably the weakest

1 link in the whole operation.

2 Q Is this because they would tend to be overused  
3 during an emergency?

4 A (WITNESS DELBELLO) They tend to be very  
5 delicate. If you're using general telephone lines, they  
6 get overused and they get blocked on the slightest  
7 occurrence within a community. Most of the lines we  
8 would be using are dedicated lines, and therefore they  
9 are single use lines and are a lot more dependable.  
10 However, from a technical standpoint they tend to go out  
11 easily. During the drill we lost communication with a  
12 County, one County, Orange County, and that was just a  
13 drill and the phone line had just been put in, so it was  
14 in good working order just a day or two before. And we  
15 lost the whole line during the actual occurrence.

16 Q Was it the resolve of the Four-County  
17 Commission which you were one of the formulators of not  
18 to sign onto the plan until such time as full resources  
19 of personnel, equipment and training funds needed to  
20 implement the four individual plans were in place or  
21 assured of being in place?

22 A (WITNESS DELBELLO) I don't know that it was  
23 ever said like that, but we agreed among ourselves that  
24 we should not sign on or approve those plans until we  
25 were able to assure the public with absolute honesty

1 that we believed there was a reasonable degree of safety  
2 that we could provide them as a result of the plan and  
3 our own capability to implement the plan. In other  
4 words, we were saying that as local officials  
5 responsible for implementing that plan we were just  
6 going to be honest with the people, and unless we felt  
7 we could provide them with a reasonable level of safety  
8 we would not sign off on the plan.

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1 Q Is that still the policy of the Commission, to  
2 your knowledge?

3 A (WITNESS DELBELLO) I believe it is, yes. We  
4 have not met in recent days, but I believe everybody  
5 agrees to that.

6 Q Do you know whether or not the policy of the  
7 Four-County Commission which receives inquiries about  
8 the brochures from people who live outside the ten-mile  
9 EPZ, whether it is the policy of the Commission not to  
10 send them booklets?

11 A (WITNESS DELBELLO) The Four-County Nuclear  
12 Task Force -- the Four-County Nuclear Committee?

13 Q Yes.

14 A (WITNESS DELBELLO) I don't know that we ever  
15 made the decision who to send booklets to and who not to  
16 send booklets to.

17 Q Do you know who did make that decision?

18 A (WITNESS DELBELLO) As far as I know, that is  
19 the utility or the state. It's not -- the Four-County  
20 Nuclear Commission has no authority, as such. That is  
21 an assemblage of four counties' officials in order to  
22 coordinate their thinking and information and reaction.  
23 It is not an official body.

24 Q In your testimony you discuss stress and  
25 confusion as playing a large part in the efficiency or

1 difficulties in implementing the plan. Would separation  
2 of families contribute to this stress and confusion?

3 MR. BRANDENBURG: I object to this question,  
4 Mr. Chairman. I don't believe that the question fairly  
5 characterizes this witness' testimony.

6 MR. CZAJA: I will object on the grounds that  
7 Mr. DelBello is not here as an expert on the effects of  
8 stress or what causes stress.

9 VOICE: We can't hear you.

10 MR. CZAJA: I'm objecting on the additional  
11 grounds that it is beyond the scope of Mr. DelBello's  
12 original testimony and that his testimony does not  
13 purport to deal with the causes of stress.

14 JUDGE GLEASON: Well, let him answer. Answer  
15 if you can.

16 WITNESS DELBELLO: Anything like that that  
17 would heighten a person's emotional reaction to what is  
18 occurring would lead to additional stress and  
19 unpredictable behavior. That is just one of the many  
20 things that would occur.

21 BY MS. RODRIGUEZ: (Resuming)

22 Q What other things do you think would occur to  
23 contribute?

24 A (WITNESS DELBELLO) Oh, everything from plain  
25 fear -- people would be in fear, people would be in

1 shock to some degree in different instances. There is  
2 always the potential for confusion, lack of information  
3 on what to do causes confusion, causes fear. I guess  
4 every human reaction that a human being is susceptible  
5 to occurs during emergencies.

6 That's one of the things that must be factored  
7 in when you are doing emergency planning. Unpredictable  
8 behavior has to be a component of your planning.

9 Q You have stated in your testimony, also in  
10 answers to questions today, that you feel that 36 hours  
11 would be needed to evacuate everybody safely. If an  
12 evacuation were needed to assure people's safety within  
13 eight to twelve hours, how would you describe the  
14 segments of the population that would be less likely to  
15 evacuate safely and quickly?

16 A (WITNESS DELBELLO) I don't think I understand  
17 the question.

18 Q What I am asking is, if we did not have a  
19 36-hour time period in which to get everybody out  
20 safely, if the conditions, the accident was of such a  
21 degree that a very rapid evacuation were necessary to  
22 guarantee people's safety, what sectors of the  
23 population would not get out on time?

24 A (WITNESS DELBELLO) The less mobile.  
25 Certainly the disabled would be the most susceptible

1 population. The aged who would fall under the  
2 classification of less mobile no doubt would be most  
3 susceptible, depending on the time of day or week. The  
4 young people -- I mean very young children, very early  
5 ages -- could be a susceptible population.

6 I think that population which had any  
7 disabling characteristics whatsoever would be the most  
8 susceptible population in not responding to a quick  
9 evacuation.

10 Q One of the roles of the commander of  
11 operations is to maintain communication with the public  
12 through the Emergency Broadcasting System, the EBS.

13 A (WITNESS DELBELLO) That is right.

14 Q In designing EBS messages, how would the level  
15 of information be assessed by the County Executive to be  
16 given so as not to further upset the public?

17 MR. BRANDENBURG: Mr. Chairman, I will object  
18 to this as beyond the scope of the witness' direct  
19 testimony. It contains no references whatsoever to the  
20 Emergency Broadcast System.

21 JUDGE GLEASON: Mr. Brandenburg, I thought you  
22 asked a very extensive list of questions about what the  
23 County Executive would do in the emergency response plan.

24 MR. BRANDENBURG: I asked nothing about the  
25 Emergency Broadcast System.

1 JUDGE GLEASON: I don't understand the  
2 relevancy of all of these questions, or, I should say,  
3 the importance of it, but let him answer the question.

4 WITNESS DELBELLO: The County Executive from  
5 Westchester County is the only official allowed to go on  
6 the EBS system, so the EBS message is prepared in  
7 Westchester County between the County Executive and his  
8 staff. It is then communicated to the other three  
9 counties. They have to sign off on the EBS and its  
10 wording, its content and so forth.

11 If they don't sign off, it can still go as an  
12 EBS because the County Executive of Westchester controls  
13 it, but in the normal case it would not go until there  
14 was agreement on the content of that EBS. The State  
15 will also review the content of that EBS, so between all  
16 the minds inputting into it, the message will be written  
17 in such a way that it is informative and not alarming --  
18 very difficult to do, but we've got to use our talents  
19 and skills as public officials to try to get across a  
20 message in the least alarming fashion and the most  
21 informative way we can.

22 BY MS. RODRIGUEZ: (Resuming)

23 Q Are there any arrangements to broadcast these  
24 messages also in other languages -- language other than  
25 English?



1           A       (WITNESS DELBELLO) There were not  
2 originally. By the way, let me add one piece to my  
3 former question. I think we have drafted in advance  
4 most EBS messages that would have to be used. I think,  
5 if I remember how we do it, we had thought out the  
6 content already of the types of things you would be  
7 saying and you just had to vary it for the  
8 circumstances, but a lot of thought has been given to  
9 it.

10                       In the first -- when we did the first drill  
11 last March, the first exercise, I don't believe we used  
12 languages. I don't know whether the current  
13 modifications provide for using other languages in the  
14 EBS message. I am unaware of that. I am not sure.

15           Q       Do you know if one of the roles of these EBS  
16 messages or purposes is to tell which sectors of the  
17 population to evacuate or shelter or whatever is deemed  
18 necessary at the time by their ERPA or emergency  
19 response plan area, which is like a slice of pie?

20           A       (WITNESS DELBELLO) Well, again we had a great  
21 deal of difficulty in that area in March because the  
22 emergency broadcast -- the EBS broadcast is basically to  
23 inform the public of the nature of the occurrence, what  
24 is happening, define it as accurately as it can, project  
25 what will be occurring, give the public that type of

1 notice that is essential to cause them to respond  
2 responsibly.

3           There is a great deal of detail needed in  
4 order to implement the evacuation of an ERPA or more  
5 than one ERPA, and the general feeling was we could not  
6 put all of that out on an EBS, and even if we did on an  
7 EBS it wouldn't make too much sense because the EBS  
8 covers a much larger region than the one you are dealing  
9 with for an evacuation.

10           Consideration was given to developing local  
11 broadcast capability for the specific instructions.  
12 Apparently that has been resolved to some degree in the  
13 revised plan and I think there are adequate measures now  
14 for giving instructions. I'm not sure whether it's all  
15 going out of the EBS or not, but my hope was to arrive  
16 at a point where we had an evacuation plan that was so  
17 predictable and so well thought out that you didn't have  
18 to give these lengthy directions, because I don't think  
19 those directions can be followed in an emergency.

20           Q     Is it a fair characterization of something you  
21 said recently that you feel improvements have been made  
22 in the public notification area of the plan?

23           A     (WITNESS DELBELLO) I am informed that  
24 improvements have been made and that people are  
25 relatively satisfied with it.

1 Q Are you informed of any actual improvements by  
2 your staff -- for example, ads in the papers or --

3 A (WITNESS DELBELLO) I never bothered to go  
4 behind the information that I received to find out in  
5 detail what the improvements were. I was satisfied when  
6 they told me improvements were made, that they felt  
7 comfortable with it.

8 Q I see. Do you think that people would  
9 self-evacuate during an emergency?

10 A (WITNESS DELBELLO) Of course.

11 Q And how would this affect the evacuation?

12 A (WITNESS DELBELLO) It could destroy the plan  
13 if it is not accounted for in the planning.  
14 Self-evacuation is something that will occur, can be  
15 used as a positive or negative depending on the  
16 configuration of the evacuation plan. In other words,  
17 you can induce self-evacuation as a means of alleviating  
18 a great number of people before you put into effect a  
19 more mechanical, formalized evacuation system.

20 But in either event, any evacuation that I  
21 have ever heard discussed always factors in  
22 self-evacuation, either as a problem or an asset. But  
23 it has got to be considered. It must be considered  
24 because it does occur.

25 Q Would you say that it would be more likely to

1 be an asset or a problem?

2 A (WITNESS DELBELLO) That depends on the  
3 configuration of your plan, the nature of the geography  
4 and the demographics of the area you are considering.  
5 Where you are in wide-open territories, self-evacuation  
6 is usually the only system, or at least it's 90 percent  
7 of the system. And then you can go back in and take  
8 those people who are disabled or handicapped or  
9 restricted out.

10 In our kind of situation, we don't have the  
11 flexibility. We don't have the means to really handle,  
12 in my judgment, large numbers of self-evacuees because  
13 of the road conditions and other problems that exist  
14 there.

15 MS. RODRIGUEZ: Excuse me one moment, please.

16 (Pause)

17 BY MS. RODRIGUEZ: (Resuming)

18 Q I'm sorry. On page two of your amended  
19 testimony, on the seventh line of the second paragraph  
20 at the top, you say we should not forward for approval  
21 any State disaster preparedness plan which includes as  
22 part of it radiological emergency response plans that  
23 are not fully workable and implementable with all  
24 components in place.

25 Did Westchester County submit the Indian Point

1 radiological emergency response plan to FEMA?

2 A (WITNESS DELBELLO) No.

3 Q Who did?

4 A (WITNESS DELBELLO) The State of New York.

5 Q Do you believe that the New York State  
6 Radiological Preparedness group was in any way remiss  
7 when it approved the County components of the Indian  
8 Point plan and formally submitted those plans to FEMA,  
9 despite dissatisfaction with the plans at the County  
10 level?

11 MR. BRANDENBURG: I will object to that  
12 question, Mr. Chairman. It assumes facts not in  
13 evidence about the role of the New York State  
14 Radiological Emergency Response group and other  
15 organizations.

16 JUDGE GLEASON: It may not be in evidence, but  
17 I sure would like to hear the answer to the question.  
18 Respond.

19 WITNESS DELBELLO: I think at the very least  
20 the State overestimated the ability of that plan to  
21 respond to an emergency and overestimated the ability of  
22 our local governments to implement that plan and,  
23 therefore, I think they were in error in certifying that  
24 the plan was totally workable.

25 BY MS. RODRIGUEZ: (Resuming)

1 Q Thank you. I would like to ask a couple of  
2 questions at Richard Brodsky's request.

3 Are the defects in the plan about which you  
4 have testified remediable?

5 A (WITNESS DELBELLO) I don't know for sure, to  
6 be quite honest. Since we are dealing with mechanical,  
7 physical type problems, given enough money and given  
8 enough talent you could probably remedy most of these  
9 deficiencies. I don't know what enough money and enough  
10 talent is, and I don't know if we have enough money and  
11 enough talent to correct it.

12 So, to be quite honest, there may be ways of  
13 correcting it that we have not thought of yet, nor have  
14 we been willing to finance yet, and until we think of  
15 those ways and are willing to finance them we will not  
16 know for sure whether these are correctable problems.  
17 It is going to have to be designed much more carefully  
18 and tested before we know.

19 Q What about the evacuation portion of the  
20 plan?

21 A (WITNESS DELBELLO) That is primarily what I  
22 am referring to.

23 Q Do you feel that our current road system could  
24 handle a full-scale or even a widespread evacuation?

25 A (WITNESS DELBELLO) Well, that is what I mean

1 by enough money. There are deficiencies in the road  
2 system that are encumbrances to evacuation. If you had  
3 enough money, you could build a ten-lane road right to  
4 the plant.

5           There is a point at which you could do almost  
6 do whatever you wanted to do, using mass  
7 transportation -- namely the buses in that area -- I  
8 believe the bus plan the way it has been laid out for  
9 evacuation purposes in the current program is  
10 inadequate. I think it can be done better. It can be  
11 done far better with more talented people designing that  
12 plan, even on the current road system.

13           If you put a good design for bus operations on  
14 that road system, then we will find out whether the road  
15 system is inadequate or not. But you have to design it  
16 better, put the buses on those roads, fully test it,  
17 then you will find out whether that road system can  
18 handle this system.

19           Right now, we are talking about a system which  
20 in its design is falacious, so you will never know  
21 whether the roads will work or not. The system design  
22 is no good.

23           Q     When you talk about testing with buses, do you  
24 mean buses as opposed to cars or buses in addition to  
25 cars? I'm not quite clear on that.

1           A       (WITNESS DELBELLO) I mean you have to come as  
2 close to an actual scenario of events in order to tell  
3 whether the plan is workable or not as you are capable  
4 of doing, and if the exercise is to be realistic,  
5 depending on the time of day and the day of the week  
6 that the exercise is determined to take place, you then  
7 have to make a judgment as to how many cars will be on  
8 that road at that typical time, put them on the road,  
9 how many buses would be needed, put them on the road,  
10 see if anything moves and make an allowance or factor in  
11 or index in a high level of emotional response and  
12 tension and erratic behavior and see if you come close  
13 to an actual situation and how it would occur.

14                       That is the only way to test. You see, good  
15 drills occur when people pretend that they have been  
16 injured and are painted with red paint to look like they  
17 are injured. All of that is to increase the adrenalin  
18 to get people to act as close as they can to an actual  
19 emergency. We have not really drilled this. We haven't  
20 even drilled the current plan yet in a real sense.

21           Q       Do you think that a surprise drill would help  
22 us test out these?

23           A       (WITNESS DELBELLO) It is certainly going to  
24 be required at some point, whether it is the first  
25 exercise or the second. At some point it has got to be



1 done as a surprise drill.

2 Q It sounds to me that what you are saying is  
3 that in order to improve the road situation to  
4 accommodate people during an evacuation, we would need  
5 roads far in excess of what we need normally, even for  
6 rush hour.

7 MR. BRANDENBURG: I object to the form of the  
8 question, Mr. Chairman. I believe it mischaracterizes  
9 the witness' testimony.

10 JUDGE GLEASON: I'm not sure it  
11 mischaracterized it or not. I'm trying to find out what  
12 his testimony is on this subject. Please respond.

13 WITNESS DELBELLO: Well, the road system in  
14 that area is definitely inadequate because it is very  
15 constricted, very narrow in many cases, very limited --  
16 the numbers of roads are very limited in many cases. So  
17 the road system is a very difficult one to accommodate  
18 for emergency planning. There are also shortcomings in  
19 the system of roads that probably need improvement as  
20 it. Narrow bridges and so forth will probably have to  
21 be improved.

22 The thing that I am uncertain of is what the  
23 effect of large numbers of buses on that road would be.  
24 I have trouble conceiving of large numbers of cars on  
25 the road and large numbers of buses on the road, which

1 are very large vehicles with very large turning  
2 radiuses, might overextend that road system to the point  
3 where it will not function.

4           Now I don't know that. I guess scientifically  
5 people who really know transportation could work that  
6 out for us. I don't believe the ones who have worked it  
7 out to date did it in a very scientific way. But better  
8 consultants could probably work that out with a great  
9 deal more accuracy and be persuasive on me, or I could  
10 witness a test and be persuaded. But in either event, I  
11 have not seen either of those occurring, so I really  
12 don't know whether the road system is adequate, not  
13 adequate.

14           I know it isn't good. It is not a road system  
15 designed for densely populated areas or high impact  
16 traffic.

17           BY MS. RODRIGUEZ: (Resuming)

18           Q     In your opinion, should the plants be shut  
19 down in the meantime since the roads are inadequate?

20           A     (WITNESS DELBELLO) Not because the roads are  
21 inadequate. I had made a recommendation that the plants  
22 not be allowed to come back on line until these  
23 deficiencies were corrected, with the hope that that  
24 would keep everybody's feet to the fire and create some  
25 feeling of urgency that we get to the bottom of this and

1 get answers absolutely one way or the other.

2           I am very concerned that unless something very  
3 dramatic is done at some point in time we are just going  
4 to string on hearings and delays and equivocating  
5 answers from the NRC and never get to the root bottom of  
6 whether we have a plan or don't have a plan that will  
7 offer people a reasonable degree of safety in case of  
8 emergency, and so I accept almost any measure that the  
9 NRC would undertake to cause these deficiencies to be  
10 reconciled once and for all.

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1 BY MS. RODRIGUEZ: (Resuming)

2 Q Has the state recently signed any contract  
3 with a traffic engineering firm to advise about the road  
4 situation near Indian Point?

5 A (WITNESS DELBELLO) I don't know.

6 Q To your knowledge?

7 A (WITNESS DELBELLO) To my knowledge, I have no  
8 knowledge.

9 Q Do you believe that the potential consequences  
10 of the events, the potential consequences of the event  
11 should play a role in government policy surrounding  
12 emergency planning?

13 A (WITNESS DELBELLO) Of course.

14 (Pause.)

15 Q Just to sum up, if that is allowed in this  
16 proceeding, as I understand the gist of your testimony,  
17 the two main problems that are possibly not correctable  
18 and are certainly significantly inadequate at the moment  
19 are the areas of the roads and the human response in the  
20 event of an emergency. Would you say that is correct?

21 A (WITNESS DELBELLO) No, I don't think I would  
22 say that. I would say that the areas of greatest  
23 concern to the plan right now are whether evacuation is  
24 possible to meet the regulations of the NRC, whether the  
25 cooperation of Rockland County is possible in order to

1 meet the requirements and have a plan that is  
2 implementable, and whether the utilities and/or anybody  
3 else is willing to put up the money to make this plan  
4 implementable and serviceable for a long time into the  
5 future. That means to test it and exercise it on a  
6 regular basis with great frequency and great realism, to  
7 keep it workable.

8 I am in desperate fear that even if the plan  
9 be brought into an implementable stage, that after a  
10 year of inaction it becomes a totally useless plan  
11 because nobody knows what to do with it anyway. It has  
12 got to be exercised on a continuing basis.

13 So I have a couple of practical problems and a  
14 couple of technical problems.

15 Q Do you think that the March 9 drill that is  
16 coming up in 1983 will tell us very much about the  
17 workability of the plan?

18 A (WITNESS DELBELLO) I have no idea. I have no  
19 idea what they're going to do on March 9 to drill it.

20 Q Well, if it is consistent with the March 3rd  
21 drill of last year?

22 A (WITNESS DELBELLO) You have already given me  
23 a hypothesis to work off: it is consistent with the  
24 last drill. No, the last drill was not a realistic  
25 drill. It was not a test of the plan. If we have to

1 send either 200 or 400 buses or more into the region,  
2 sending 5 into the region is not a test, and that is  
3 what we did last time.

4 If we have to put out thousands of police  
5 officers and we put out a dozen just to get the effect  
6 of what we were doing and see if we can communicate,  
7 that is not really a test. And if the public is not  
8 involved in it whatsoever, I don't think that is a  
9 test.

10 MS. RODRIGUEZ: Thank you very much. I have  
11 no further questions.

12 CROSS-EXAMINATION ON BEHALF OF  
13 INTERVENOR WESTPAC

14 BY MR. SCHEINER:

15 Q Mr. DelBello, my name is Charles Scheiner and  
16 I would like to ask you a few questions on behalf of the  
17 Westchester People's Action Coalition.

18 Do you think there is a way to verify that the  
19 radiological emergency plan and the components of it  
20 adequately protect the residents of Westchester County  
21 in the absence of a full-scale drill?

22 A (WITNESS DELBELLO) No, I think at some point  
23 there has to be a full-scale drill.

24 JUDGE GLEASON: Excuse me. Could somebody  
25 define for the Board what a "full-scale drill" means?

1                   WITNESS DELBELLO: That is what I was about to  
2 define. I was going to say, that doesn't mean that  
3 every person in every facet of the program has to be put  
4 under test in the most realistic fashion, but at least  
5 the major components of it, and those systems that are  
6 designed to account for the unpredictable have to be put  
7 in place. That is, you can't deal with a predictable  
8 occurrence because it never happens in a predictable  
9 way. You've got to deal with an unpredictable one and  
10 see if your components will work under those  
11 conditions.

12                   So you must bring it up to a major test, a  
13 very significant test, before you can tell whether it  
14 would really work or not.

15                   BY MR. SCHEINER: (Resuming)

16                   Q     The plan involves the primary means of  
17 evacuation, of self-evacuation, would be using your own  
18 vehicles. Of the 130,000 people in Westchester within  
19 the EPZ, that would be some tens of thousands of  
20 vehicles, presumably?

21                   A     (WITNESS DELBELLO) I don't know what the  
22 numbers are.

23                   Q     Well, presumably it is fewer than -- it would  
24 be some number of people per car, so it would be tens of  
25 thousands. Is there any way in a drill to simulate that

1 kind of activity?

2           A       (WITNESS DELBELLO) I don't know. I would  
3 have to rely on people who are better informed than I am  
4 in this kind of work, designing those drills and  
5 simulating the occurrences to see if they can be  
6 tested. There are people who are professionals who know  
7 how to do this, who have done this in many different  
8 cases. And if they could design a drill and be  
9 persuasive that that is a fair test, fine. If they're  
10 not persuasive on it, then I think public officials  
11 should continue to keep pressure on them.

12           Q       You mentioned a few minutes ago that it was  
13 your feeling that at some point in testing the plan it  
14 would be necessary to have a surprise drill.

15           A       (WITNESS DELBELLO) I would think that is how  
16 you get the greatest degree of realism out of it. You  
17 have to account for the fact that a surprise drill could  
18 be dangerous or injurious to people. But again, you can  
19 surprise them with certain aspects of the drill and see  
20 if it works.

21           Q       What do you think the effect would be if there  
22 were a surprise drill that involved the sirens and the  
23 EBS notices without advance notice to the public?

24           A       (WITNESS DELBELLO) It depends on what you say  
25 in the EBS notice.



1 Q Well, assuming you say what the notices in the  
2 plan say.

3 A (WITNESS DELBELLO) Well, you are going to get  
4 an actual response then, and you might induce an  
5 extremely dangerous situation because you get people to  
6 start reacting to the real occurrence, without possibly  
7 providing them the support systems needed if it was a  
8 real occurrence.

9 I don't think any public official who is  
10 responsible would ever do that.

11 Q In your amended testimony filed this morning  
12 you said that you're appearing today as Lieutenant  
13 Governor of New York State. Could you tell us if your  
14 perspective on the emergency response plan for Indian  
15 Point has changed with your change in responsibilities?

16 A (WITNESS DELBELLO) No, it hasn't.

17 Q Do you think that it is still primarily the  
18 County's responsibility to determine that the plans are  
19 workable?

20 A (WITNESS DELBELLO) Primarily, from the  
21 standpoint that it is up to the County and its local  
22 municipalities to implement. So in the area of  
23 implementability, whether you can implement it or not, I  
24 think only the local governments can make that  
25 judgment.

1           As I suggest in my testimony, I think the  
2 State has to get much closer to the local governments  
3 and become much more of an ally of local government in  
4 order to help make that determination properly.

5           Q     And that determination involves the  
6 cooperation of the County and the State and the Federal  
7 Government and the utilities; is that correct?

8           A     (WITNESS DELBELLO) Yes.

9           Q     And the Nuclear Regulatory Commission as a  
10 branch of the Federal Government.

11           In your supplemental -- or, in your original  
12 testimony on the second page you talk about one of your  
13 basic policy positions as the need to maintain absolute  
14 faith and credibility with the public in Westchester  
15 County, who look to us, speaking as past County  
16 Executive, for leadership on the issue of safety.

17           A     (WITNESS DELBELLO) Yes.

18           Q     Do you think that the people of Westchester  
19 County have absolute faith and credibility in the  
20 planning process?

21           A     (WITNESS DELBELLO) No, I don't think they  
22 do.

23           Q     Could you tell us why not?

24           A     (WITNESS DELBELLO) Well, I think the public  
25 is a lot wiser than we tend to give them credit for;

1 that they can tell whether a plan such as one that is  
2 being designed here is basically workable or not. I  
3 think when they have heard some of the details about the  
4 evacuation plan and the use of buses, they knew as well  
5 as most of us knew even as laymen that there were some  
6 basic deficiencies. And there's no sense in trying to  
7 fool them.

8           They have an incisiveness, an understanding of  
9 some of these basic ingredients of the plan, and I think  
10 they have seen people try to pretend that some of this  
11 was workable when they knew fully it wasn't, and  
12 therefore it weakens the credibility of all of us to  
13 even pretend that it's workable if it's not. We would  
14 go a lot farther if we were absolutely honest with the  
15 public. I think they would be a great deal more  
16 forebearing than they are today if we would be totally  
17 honest with them.

18           Q       Would you say that the history of the sirens  
19 and their performance or lack thereof has impacted on  
20 credibility?

21           A       (WITNESS DELBELLO) That is one of the items,  
22 yeah. That's one of the items. They knew when the test  
23 was taking place last March 3rd and they were looking at  
24 sirens that were supposed to be operating and they were  
25 not operating, and so they knew right away there were

1 serious problems.

2 Q Have there been times since March 3rd when  
3 sirens have gone off unannounced?

4 A (WITNESS DELBELLO) Only from what I've been  
5 informed. I don't know firsthand, but I've been  
6 informed the sirens have gone off accidentally.

7 Q And do you know what kind of public response  
8 there was to those occurrences?

9 A (WITNESS DELBELLO) I have read some things.  
10 I believe I read in the newspaper some of the reactions,  
11 but I don't remember exactly what they were. There were  
12 some reactions, some disbelief that that could occur. I  
13 don't remember anything specific.

14 Q Do you think that if the sirens were to be  
15 used in, God forbid, the event of an actual emergency  
16 that people would take them seriously and respond to  
17 them?

18 A (WITNESS DELBELLO) Only if they had been well  
19 trained and well educated and have developed an almost  
20 automatic response to the siren, what it means, and what  
21 their behavior, their pattern of behavior, is expected  
22 to be. If it is not inculcated as an automatic  
23 response, then they may not take it seriously.

24 Q In February of 1982 the utilities distributed  
25 an emergency planning brochure to most of the residents

1 of the emergency planning zone and that brochure was  
2 distributed in the name of the Four-County Task Force  
3 which you helped organize, is that right?

4 A (WITNESS DELBELLO) (Nod; affirmatively.)

5 Q Would you agree with the testimony of Mr.  
6 Marasco and others earlier this week that there were  
7 numerous errors and deficiencies in those brochures?

8 A (WITNESS DELBELLO) Yes, there were numerous  
9 errors, and the Four-County Task Force did not sponsor  
10 that publication.

11 Q Was Westchester County involved at all in the  
12 preparation of that publication?

13 A (WITNESS DELBELLO) No, not at all.

14 Q Has the County been involved in the  
15 preparation -- it's my understanding that there is a  
16 revision of that brochure in the process now. Has the  
17 County been involved in that?

18 A (WITNESS DELBELLO) I honestly don't know at  
19 this point in time whether we are or not.

20 Q The brochure has on it as a return mailing  
21 address the Four-County Nuclear Safety Committee, Box  
22 701, White Plains. Did the Four-County Nuclear Safety  
23 Committee agree to the use of its address?

24 A (WITNESS DELBELLO) My understanding at the  
25 time was no, that that reference to the Four-County Task

1 Force was put on there gratuitously, the address was put  
2 on there gratuitously, the item was printed and then we  
3 were informed of it. Before it went out I think we were  
4 informed of it, but after it was printed. And I have  
5 sort of a memory of that saying, let it go, because the  
6 whole thing was printed and ready to go.

7 Q The brochure also contains, and I'm trying to  
8 find it -- here it is -- four telephone numbers, one for  
9 each County: "If you need any assistance with these  
10 emergency preparations, please call these numbers." Do  
11 you know who answers those telephones?

12 A (WITNESS DELBELLO) I don't know what the  
13 numbers are.

14 Q Well, for Westchester the number is  
15 800-942-1452, if that helps anything.

16 A (WITNESS DELBELLO) It doesn't ring a bell.  
17 It's not my number.

18 Q So you don't know what people would get if  
19 they were to call up that telephone number? You haven't  
20 heard anything about that?

21 A (WITNESS DELBELLO) 942?

22 Q It's an 800 number. It's not a local number.

23 A (WITNESS DELBELLO) I don't know what phone  
24 that is.

25 Q Do you think that the distribution of this

1 brochure in the name of the Four-County Task Force and  
2 the inclusion of a phone number that is not, at least to  
3 your knowledge, connected with Westchester County did  
4 anything to affect the absolute faith and credibility of  
5 the public in Westchester County?

6 A (WITNESS DELBELLO) Well, I don't think it  
7 contributed to it. It is just symptomatic of a lot of  
8 the problem we had in developing a cohesive, rational  
9 approach to getting this plan out. I am sure, whatever  
10 number that was, if anybody ever called that they  
11 probably didn't get too good a response to what was  
12 happening and what that brochure really meant, and  
13 therefore it would weaken their faith in the competency  
14 of the people who were supposed to be or at least were  
15 allegedly responsible for the brochure.

16 Yes, it can weaken the public's confidence in  
17 the plan.

18 Q You testified in response to a question from  
19 Mr. Brandenburg that, "The County is now in a reactive  
20 position as opposed to an affirmative position with  
21 respect to the emergency plans." Has the County ever  
22 been in other than a reactive position?

23 A (WITNESS DELBELLO) Well, before this whole  
24 thing at Three Mile Island and the NRC waking up to the  
25 fact that we needed emergency response plans, yes, the

1 County was thinking of trying to design emergency  
2 systems for itself to deal with different occurrences  
3 and to deal with Indian Point; not having too much  
4 knowledge, but trying to get something in place that  
5 would be reasonable. And Indian Point came down,  
6 everybody got excited, NRC realized you can get serious  
7 occurrences, that emergency planning had to be in  
8 place.

9 In different municipalities it was handled  
10 different ways, but in ours the utilities wanted to do  
11 the plan with their own consultants and wanted to have  
12 the County in a reactive mode, and so we went into a  
13 reactive mode and handled ourselves in that fashion.

14 Q Given the order of magnitude of the personnel  
15 and resources involved in developing and validating  
16 emergency plans and given the scope of Westchester  
17 County's government, do you think it is possible for the  
18 County to take primary responsibility in this process?

19 A (WITNESS DELBELLO) Primary responsibility for  
20 which process?

21 Q For the development and testing of the  
22 emergency plans.

23 A (WITNESS DELBELLO) Not without additional  
24 resources. It is a very expensive process.

25 Q And where would you think that those resources



1 might come from?

2 A (WITNESS DELBELLO) It is my opinion they  
3 should come from the utilities.

4 Q From the utilities or from the electric  
5 ratepayers? Is that where the utilities' resources come  
6 from?

7 A (WITNESS DELBELLO) I would hope not, but  
8 ultimately everything seems to come from the  
9 ratepayers.

10 Q To go back to this brochure for a moment,  
11 there is a postcard in the back also addressed to the  
12 Four-County Nuclear Safety Committee, which asks people  
13 to return the postcard if they have special conditions  
14 -- senior citizens, hearing impaired, sight impaired,  
15 wheelchair, disabled, a few other things like that. Do  
16 you know what the response to those postcards has been?

17 A (WITNESS DELBELLO) In numbers, no.

18 Q Would it be your estimation that there are a  
19 significant number of people who have those conditions  
20 and therefore need special consideration under  
21 evacuation who have not sent in the postcards?

22 MR. CZAJA: I have the same objection to when  
23 Mr. Scheiner asked this question the other day and the  
24 objection was sustained. The card is subjective. It  
25 says, return this card if you need assistance. I don't

1 see how any witness can testify as to what percentage of  
2 people thought they need assistance and nonetheless  
3 didn't --

4 JUDGE GLEASON: I think it is outside the  
5 scope of his testimony anyway.

6 MR. SCHEINER: I didn't ask what percentage.

7 JUDGE GLEASON: I think your line of  
8 questioning is outside.

9 BY MR. SCHEINER: (Resuming)

10 Q I'm asking you now as a New York State  
11 official, do you think that New York State taxpayers  
12 should have to pay a significant portion of the cost of  
13 the emergency planning process for Indian Point?

14 A (WITNESS DELBELLO) No. I happen to be of the  
15 opinion as a matter of principle that the cost of  
16 nuclear energy should be internalized within the  
17 industry or we will never know what a kilowatt of  
18 electricity is costing us from a nuclear reactor; and  
19 that to date we really don't know what those costs are,  
20 because not all of the true costs have been factored in,  
21 such as the complete costs of emergency planning and  
22 decommissioning and mothballing and all the other things  
23 they're talking about.

24 And so if emergency planning which is  
25 necessitated as a result of a nuclear reactor operating

1 in the community becomes a cost to the taxpayer, that  
2 then becomes a shadow charge to the electric ratepayer.  
3 It doesn't appear and yet it should appear.

4 I have a great deal of mercy for the  
5 ratepayers, as everybody knows, but I do think again we  
6 have to be honest with people. Nuclear energy is more  
7 expensive than it appears. Let the public know what it  
8 costs and make a proper judgment, let them make a proper  
9 judgment as to whether they want it or not.

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1 BY MR. SCHEINER: (Resuming)

2 Q Do you know who currently pays the cost of  
3 insurance for homeowners to protect them against a  
4 nuclear accident?

5 A (WITNESS DELBELLO) I really don't know  
6 anything about that.

7 Q In discussion with Mr. Czaja earlier about the  
8 State Power Authority, he was asking you about the  
9 change in electric rates when Westchester County  
10 government went over to PASNY to supply its  
11 electricity. Who supplied power to Westchester County  
12 prior to that switchover?

13 A (WITNESS DELBELLO) Con Edison.

14 Q And do you know how the rates paid to PASNY by  
15 Westchester County, which I believe you characterized as  
16 the Indian Point rates, compare with the rates paid by  
17 PASNY customers upstate who use hydroelectric power?

18 A (WITNESS DELBELLO) It's a vast difference.  
19 Upstate, hydroelectric power, depending on which area  
20 you are in, is far cheaper than either PASNY power at  
21 Indian Point or Con Edison power in this region.

22 Q Has Westchester County government been  
23 involved with any independent studies to the cost of  
24 ratepayers if Indian Point were to be permanently  
25 closed?

1           A       (WITNESS DELBELLO) To the best of my  
2 knowledge, we didn't do any independent studies. I  
3 don't remember any independent studies.

4           Q       You mentioned earlier, I believe, or the  
5 attorney for the Power Authority mentioned and you sort  
6 of tacitly concurred that there would be a substantial  
7 increase, I think that is the phrase, in electric costs  
8 or substantial economic impact if Indian Point were to  
9 be permanently closed. Could you give us the basis for  
10 that?

11          A       (WITNESS DELBELLO) Well, from time to time we  
12 have had occasion to check the rate charges for PASNY  
13 power out of Indian Point as opposed to Con Ed's rate  
14 charges, and there is a difference between the two -- a  
15 fairly significant number, on most occasions. With the  
16 amount of power that we use from the Indian Point plant,  
17 at least charged to the Indian Point plant, that would  
18 mean a significant amount of additional money to  
19 compensate for it.

20                   That is without getting into any of the  
21 esoteric concepts of where the power is and so forth or  
22 how they fix their rates, but just the dollar charge on  
23 the rate itself. There is a difference. I don't know  
24 what it is this year; I have not looked at it recently.

25          Q       Well, at least for PASNY, Indian Point Unit 3

1 hasn't produced any power since last February so it's  
2 probably fairly expensive when you divide by zero.

3 MR. CZAJA: I am going to object to the form  
4 of the question, until Mr. Scheiner comes on the stand  
5 and give us his testimony.

6 JUDGE GLEASON: We will just consider that as  
7 a speech on the record. Ask your question.

8 BY MR. SCHEINER: (Resuming)

9 Q You mentioned a few minutes ago that it was  
10 necessary for the utility industry to internal the cost  
11 of nuclear power plant safety. Do you know how that  
12 would affect the relative costs that we have just talked  
13 about?

14 A (WITNESS DELBELLO) I think there are too many  
15 unknowns in those costs right now to be able to project  
16 with any accuracy what the kilowatt -- the true kilowatt  
17 costs would be. We have to know a great deal more about  
18 this emergency response plan and about the  
19 decommissioning costs before we can make an accurate  
20 assessment of the kilowatt costs.

21 Q And do we have any way of estimating what the  
22 costs are for -- I mean, presumably there will never be  
23 a serious accident at Indian Point, but the costs of  
24 preparation for such an accident -- and I don't know if  
25 there is a way to marginalize the cost of an accident if

1 it were to occur?

2 A (WITNESS DELBELLO) That is beyond my  
3 capability.

4 Q So would it be fair to say that at this point  
5 in time, at least within your capability and also, I  
6 think, within most of ours, there is no way to tell if  
7 Indian Point is a significant economic savings to  
8 ratepayers and taxpayers in Westchester County?

9 A (WITNESS DELBELLO) The only dollar items I  
10 can refer to is the charged rate. Outside of the  
11 charged rate, we know there are additional costs. They  
12 seem to be significant, they are speculative. I hope at  
13 some point somebody puts actual dollar signs on some of  
14 those additional costs so we can tell. I have no way of  
15 knowing what it is going to look like when you factor in  
16 everything to the nuclear industry.

17 Q Ms. Rodriguez asked you, when you talked to  
18 her about telephone lines and you told her that  
19 dedicated phone lines had a crucial role in the plan,  
20 you mentioned that the non-dedicated, the non-dedicated  
21 lines tend to get overloaded in even relatively minor  
22 emergencies.

23 Could you tell us what process Westchester  
24 County officials will use for contacting the emergency  
25 workers in the event of a radiological emergency?

1           A       (WITNESS DELBELLO) We depend on both  
2 telephone lines and radio contact because we are at all  
3 different frequencies in different agencies. We don't  
4 have common band communication. It becomes a question  
5 of reaching a car and getting a car to go to a scene and  
6 convey a message in many cases. That is assuming  
7 telephones go down.

8                   Unless we use the mobile communications  
9 system, we would have to depend on telephones. That is  
10 all we have.

11          Q       So that if there were a radiological emergency  
12 that occurred at some time outside normal working hours  
13 and it were necessary to get in touch with police, fire,  
14 Department of Social Services, and various other school  
15 personnel who were involved in that process, and the  
16 telephone system were, as you mentioned, possibly  
17 overloaded, could you estimate how that would impact on  
18 the response plan?

19          A       (WITNESS DELBELLO) Well, it would have a very  
20 serious effect negatively on the response plan. The  
21 total ability of the response plan to operate is limited  
22 to the effectiveness of its communications, whether it  
23 be in the health area or the transportation area or any  
24 other area. It is all dependent on a basic  
25 communication infrastructure that has to be in place or



1 it will not happen. There will not be any response  
2 plan.

3 So to the degree that the communications  
4 system breaks down, so does the emergency response plan  
5 break down. I think there is a direct relationship one  
6 to the other.

7 JUDGE GLEASON: Mr. Scheiner, you know this is  
8 covering areas that have been gone over and gone over in  
9 testimony before this Board, and it is really not  
10 serving any purpose, any constructive purpose.

11 MR. SCHEINER: I only have one other area  
12 which I would like to go into, which is not one that has  
13 been covered.

14 BY MR. SCHEINER: (Resuming)

15 Q As of January 1, I believe Westchester County  
16 has a new County Executive.

17 A (WITNESS DELBELLO) That's right.

18 Q In your testimony you spoke of several years  
19 of considerable involvement in this planning process and  
20 of the knowledge gained there and that you would  
21 continue to use that knowledge in your capacity as  
22 Lieutenant Governor.

23 A (WITNESS DELBELLO) Yes.

24 Q Does the new County Executive have the benefit  
25 of that experience?

1           A       (WITNESS DELBELLO) He has some experience in  
2 that he was part of the county government. He did not  
3 play a direct role in the preparation and reactions to  
4 the plan or the drilling and exercising of the plan. He  
5 was familiar with the fact that it was taking place. So  
6 I don't know exactly how deep his experience is.

7                   He has a familiarity with it, I would say,  
8 without a direct involvement.

9           Q       If there were a need to implement the  
10 radiological emergency response plan today, County  
11 Executive O'Rourke would be required to be the  
12 coordinator and the person in charge until the State  
13 took over, is that correct?

14           A       (WITNESS DELBELLO) That's right.

15           Q       Do you think that he has the background and  
16 the knowledge necessary at this point in time to assume  
17 those responsibilities?

18           A       (WITNESS DELBELLO) Well, he has got an  
19 excellent Commissioner's staff with him, since they were  
20 all mine, and they will no doubt give him very good  
21 guidance on that.

22           Q       Do you foresee any problems either now or in  
23 the future with turnover of Commissioners for the County  
24 Executive that would make it more difficult in  
25 implementing the plan?

1           A       (WITNESS DELBELLO) Absolutely. Unless the  
2 plan is finalized in writing, tested so we know it  
3 works, and supplemented with sufficient detail in  
4 instructional manuals so that a person who comes new to  
5 a job can pick up the plan, read it, read the  
6 instructional manuals and get a fairly in-depth  
7 understanding of how this plan works and what their  
8 responsibility is to make it work, unless you get to  
9 that level anybody walking in on the scene today is  
10 going to be very confused and is going to have great  
11 difficulty in understanding their role and how to play  
12 it out.

13                       It's not impossible. These people, I assume  
14 they are pretty smart when they get these jobs and they  
15 can learn pretty rapidly, but I'd love to see it get to  
16 the point where it is an organized, detailed series of  
17 documents that could be picked up and understood and all  
18 you need, then, is the exercising of it to make it  
19 work.

20           Q       The current Commissioners and yourself have  
21 had the benefit of being in a position of responsibility  
22 while the plans are being developed and presumably for  
23 the next, at least, year and maybe after whoever is in  
24 those positions will have a similar experience. But at  
25 some point, at least, we hope there will be plans that

1 are no longer in flux but a final, settled version of  
2 the plan.

3           Do you think it would be advisable to have  
4 some sort of ongoing training -- and I'm not speaking  
5 now of line personnel like the police and fire personnel  
6 and health workers out in the field, but the supervisory  
7 personnel and Commissioners? Do you think that would be  
8 useful?

9           A       (WITNESS DELBELLO) It is essential. If any  
10 plan is to work, it must be continually exercised,  
11 whether that means real occurrences or simulated  
12 occurrences, it must be exercised to work.

13          Q       Do you have any thoughts as to who should pay  
14 the cost of those exercises?

15          A       (WITNESS DELBELLO) Sure. That is a utility  
16 agency cost.

17          Q       And is there a way of Westchester County  
18 estimating what the costs are to Westchester of  
19 participating in this process?

20          A       (WITNESS DELBELLO) I think our people could  
21 make estimates on it right now as long as they were  
22 considered ballpark estimates. Once the plan is  
23 complete, if it were complete with great detail, then  
24 those costs could be projected within a few dollars.

25          Q       Okay. Then that cost would include the normal

1 staff time, such as the Commissioners who were here this  
2 week, the time that was spent.

3 A (WITNESS DELBELLO) Everything. That could be  
4 projected.

5 Q You mentioned earlier that the Emergency  
6 Broadcast System --

7 JUDGE GLEASON: Mr. Scheiner, your time is up.

8 MR. SCHEINER: Thank you.

9 JUDGE GLEASON: Mr. Kaplan, do you have time  
10 to do? Do you have any redirect?

11 MS. VETERE: No.

12 JUDGE GLEASON: You do? How long are you  
13 going to take?

14 MR. KAPLAN: It depends on how long was  
15 allotted.

16 JUDGE GLEASON: That's not the question I  
17 asked.

18 MR. KAPLAN: I am really not sure.

19 JUDGE GLEASON: Well, we really have -- you  
20 know, there is information that is going over  
21 information that is in the record and asking relevant --  
22 go ahead. Let's proceed and see how far we get.

23 CROSS EXAMINATION

24 BY MR. KAPLAN:

25 Q Lieutenant Governor DelBello, my name is Craig

1 Kaplan. I represent members of the New York City  
2 Council.

3 One point of clarification, if I might. The  
4 Four-County Committee has been referred to as the  
5 Four-County Task Force, the Four-County Commission. Is  
6 there a single entity with multiple names? What is the  
7 appropriate name for this?

8 A (WITNESS DELBELLO) I said this was not a  
9 formalized organization. It was four counties coming  
10 together and I believe we called ourself the Four-County  
11 Nuclear Safety Task Force. We were known by that name.  
12 That name is not incorporated, registered, nor does it  
13 have any legal status outside of our willingness to work  
14 together.

15 Q So, therefore, I think we can all assume the  
16 Committee, the Task Force, the Commission -- we are  
17 talking about one in the same entity?

18 A (WITNESS DELBELLO) (Nods in the affirmative.)

19 Q Okay. The number of four counties, the fact  
20 that there are four counties was the reason why you  
21 initiated this meeting with the four counties, because  
22 those are the four counties that had area within the  
23 ten-mile EPZ?

24 A (WITNESS DELBELLO) Area within five miles.

25 Q Within five miles.

1           A       (WITNESS DELBELLO) That is how naive I was in  
2 those days.

3           Q       I would assume that the reason you didn't  
4 contact representatives of Bronx County or  
5 representatives of New York City is because they are not  
6 within that five-mile area?

7           A       (WITNESS DELBELLO) That is right.

8           Q       Would it also be fair to assume that it wasn't  
9 because you were of the opinion that New York City would  
10 be unaffected by a radiological accident or the fallout  
11 of an accident, if there were an evacuation?

12          A       (WITNESS DELBELLO) No. We never got to that  
13 kind of consideration. We just saw an occurrence at  
14 Three Mile Island and we picked a number like five miles  
15 and said that sounds like it's pretty dangerous to be  
16 within, and we've got four counties within that area.  
17 Let's start talking about get down to Washington and see  
18 what should be done about this. It took no greater  
19 thought than that.

20          Q       All right. Let me ask that question and turn  
21 it on its head, then. Are you of the opinion as you sit  
22 here now that radiological planning -- planning for a  
23 radiological emergency -- would be improved, would be  
24 enhanced by the inclusion of representatives of New York  
25 City government, representatives of the people who live

1 in New York City in that planning?

2 A (WITNESS DELBELLO) Well, if -- yes, it would  
3 be. Yes, it would be help.

4 Q You say that because of the peculiar --  
5 "peculiar" is probably the wrong word -- the density of  
6 the population within the surrounding area, within the  
7 50-mile area that you refer to in your testimony --

8 A (WITNESS DELBELLO) I say that because of  
9 experiences that we have had in this county, this county  
10 acting as the neck of a funnel leading into New York City  
11 and into a population of 17 million people, that if  
12 something happens anywhere in this region that can  
13 seriously affect our mobility in Westchester County, we  
14 have had that experience.

15 Q If I might, sir, that means that if there is  
16 an accident in the North Bronx, a road accident, that  
17 will impact directly?

18 A (WITNESS DELBELLO) And vice versa. If there  
19 is an accident at Indian Point, there could be a  
20 reaction from New York City that would totally block our  
21 efforts to plan for movement within Westchester County.  
22 Therefore, I think some New York City planning to help  
23 control that, to help organize that, would be helpful.

24 Q You are currently aware, are you not, that the  
25 current NRC guidelines require only emergency evacuation



1 plans for a ten-mile area?

2 A (WITNESS DELBELLO) Yes.

3 Q From your testimony, do I take it that you are  
4 not convinced that the ten-mile radius is an adequate  
5 determination that takes into account real safety and  
6 environmental hazards?

7 A (WITNESS DELBELLO) I don't know. I  
8 consciously constrained myself from getting into that  
9 debate because I don't know really how to approach the  
10 debate. I have no technical knowledge as to how the  
11 ten-mile radius was developed, why wasn't fifteen and  
12 why it wasn't twenty or why it wasn't seven. And I  
13 wouldn't know even how to approach what an appropriate  
14 radius is from a danger, technical health standpoint.

15 Q That's fair. Let me ask about planning,  
16 however. There has been some discussion both in response  
17 to questions from the licensees, as well as questions  
18 from the Intervenors, regarding the problems of  
19 evacuation in that whole situation.

20 Would you anticipate that -- withdrawn.

21 You have said you would anticipate some  
22 self-evacuation without characterizing the amount. It  
23 could be substantial; you were not sure. Would you  
24 anticipate that there might be some self-evacuation by  
25 people outside of the ten-mile zone?

1           A       (WITNESS DELBELLO) That is what could be of  
2 critical impact on any plan that we develop, that either  
3 there would be self-evacuation or it could induce a  
4 great deal of movement.

5           Q       Outside of the zone?

6           A       (WITNESS DELBELLO) Outside of the zone. Even  
7 if there wasn't evacuation, it could create a lot of  
8 movement and if that is totally unanticipated nor  
9 planned for, it could clog and jam up the number of  
10 expected outlets that were in the original plan, and it  
11 is the lack of -- it is the lack of planning for some of  
12 these unexpected events that has given me and, I know,  
13 others a degree of concern with regard to this emergency  
14 plan.

15          Q       Regarding one other aspect or specifically  
16 regarding New York City, and that is planning for  
17 protection of New York City's water supply, that portion  
18 of it which is in Westchester County, do you have an  
19 opinion regarding the adequacy of planning for that  
20 specific problem?

21          A       (WITNESS DELBELLO) As far as I know, we have  
22 no specific plans to protect it.

23          Q       Could you hazard a guess, if you think you are  
24 able, as to the impact that that lack of planning might  
25 have upon the residents of New York City in the event of

1 a radiological emergency, as a County Executive who have  
2 extensive experience with planning an emergency?

3 MR. CZAJA: Judge, I have tried to refrain to  
4 move things along, but I must object to this.

5 JUDGE GLEASON: The objection is sustained.

6 BY MR. KAPLAN:: (Resuming)

7 Q One of the goals of the four-County committee  
8 that you mentioned on page two of your original  
9 testimony was that of seeking strict regulation by the  
10 NRC. Do you recall that?

11 A (WITNESS DELBELLO) Yeah. Yes, I recall it.

12 Q Do you have an opinion regarding whether the  
13 NRC has strictly adhered to its own regulations at this  
14 stage regarding the emergency planning situation for  
15 this County?

16 A (WITNESS DELBELLO) Well, they have not. That  
17 is one of the things that has caused me, particularly --  
18 and many other people -- to get extremely concerned with  
19 the NRC's ability to control the industry, that it has  
20 established regulations and then failed to enforce them  
21 to date.

22 Q Even though at the same time, though, you are  
23 prepared to characterize their concerns and their  
24 activities as having been taken in good faith, despite  
25 their failure to strictly enforce their own

1 regulations?

2           A     (WITNESS DELBELLO) Well, I refer back to my  
3 testimony in which I define "good faith" from my  
4 standpoint, which is, in my opinion, everybody's hope  
5 that this problem would be solved.

6           Q     But not necessarily good faith in response to  
7 the specific actions taken by the various parties?

8           A     (WITNESS DELBELLO) Yeah. I wasn't referring  
9 to anything specific when I used that phrase.

10          Q     Okay.

11                MR. KAPLAN: If you'll just give me a moment,  
12 I'll try to stike out some of the questions that might  
13 be redundant.

14                WITNESS DELBELLO: I'll give you two moments.

15                BY MR. KAPLAN: (Resuming)

16          Q     Regarding the question, and I think it came  
17 out in one of your answers, the question of credibility,  
18 in order for the ball to start rolling, so to speak,  
19 what is your understanding of how that would begin? Who  
20 would notify either you or representatives of the County  
21 about the possibility of an accident?

22          A     (WITNESS DELBELLO) The on-site utility  
23 employees give the first notice.

24          Q     So we would be dependent -- all services --  
25 but you as County Executive or your successor would be

1 dependent upon notification from the utilities?

2 A (WITNESS DELBELLO) Absolutely.

3 MR. KAPLAN: I would ask this question. If  
4 the witness doesn't want to answer, I wouldn't have an  
5 objection, Mr. Czaja.

6 BY MR. KAPLAN: (Resuming)

7 Q Do you really have faith, as you sit here  
8 today, based on your experience in the last six years,  
9 that you and the residents of Westchester are going to  
10 get notified by the utilities at the earliest possible  
11 moment, or, alternatively, do you think that maybe they  
12 are going to try to pull it together, maybe hope that  
13 nothing worse happens?

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1 MR. BRANDENBURG: I'll have to object, Mr.  
2 Chairman. This is not part of this witness' testimony.

3 JUDGE GLEASON: Let him answer, for heaven's  
4 sake. Go ahead, answer.

5 WITNESS DELBELLO: Answer it?

6 JUDGE GLEASON: Certainly, answer it.

7 WITNESS DELBELLO: I am on record a number of  
8 times on that specific point. I do not feel comfortable  
9 that the utilities will give us early enough warning in  
10 instances in which we may require it in order to get a  
11 plan into effect.

12 Therefore, I have been an advocate of the  
13 development of either a reliable monitoring system or a  
14 public representative within the control room in order  
15 to assure that the earliest possible warning was given  
16 to the public officials who had to respond to an  
17 emergency.

18 BY MR. KAPLAN: (Resuming)

19 Q You answered that with a lot of care.  
20 Basically, you're saying you don't trust the utilities  
21 and you're not sure the residents can trust them. Isn't  
22 that the thrust of what you just said?

23 MR. CZAJA: Objection to the form of the  
24 question. Also, it's been asked and answered.

25 MR. BRANDENBURG: I object as well, Mr.

1 Chairman.

2 JUDGE GLEASON: I think you ought to answer  
3 it.

4 I hope you aren't going to rephrase the  
5 question again; are you?

6 MR. KAPLAN: No.

7 JUDGE GLEASON: Answer it.

8 WITNESS DELBELLO: I would rather respond by  
9 stating it a little differently, and that is that the  
10 magnitude of problem could be so great that for the  
11 purposes of public responsibility I don't think we can  
12 risk having anybody but a public member, a public  
13 representative, or automatic monitoring directly  
14 connected to a public authority triggering that first  
15 notice.

16 The immensity of the problem is just too great  
17 to rely on anybody other than the public.

18 Q Let me go to the second point of those two  
19 basic concerns. The first is internalization. There's  
20 been some testimony I won't repeat concerned about the  
21 people of Westchester not bearing the cost.

22 New York City, as you know, gets a significant  
23 amount of energy from Indian Point. Do you believe it  
24 appropriate for the ratepayers of the City of New York  
25 to bear the costs? I'll leave it there. Do you think

1 it's appropriate that those costs be passed on to those  
2 ratepayers?

3           A       (WITNESS DELBELLO) Well, I'm in a very  
4 difficult position, because I believe the ratepayer  
5 costs within the Con Ed region are so exorbitant today  
6 that they can hardly bear any additional costs, both  
7 from a personal standpoint and for the economic  
8 viability of our region. It's almost sinking us, the  
9 cost of electric rates. Therefore, we have very little  
10 flexibility when we talk about electric rates.

11                 As opposed to that is the temptation to start  
12 subsidizing that electric rate, which makes Con Ed look  
13 very good, start spreading the rate out over taxpayers,  
14 over a much greater region. In the long run that would  
15 create greater harm and detriment to both this region  
16 and the people who live within the Con Ed electric  
17 district, if we started a subsidy process.

18                 If we don't internalize the cost of nuclear  
19 energy, we are going to have to subsidize the cost of  
20 nuclear energy. If we are subsidizing the electric  
21 rate, therefore we have created an entirely different  
22 thesis for the management of utility companies. So  
23 either we do the thing honestly or we don't do it  
24 honestly.

25           Q       I won't ask you whether you're going to



1 support a welfare grant increase in order to pay for the  
2 increase. I won't ask you that question.

3           Would you support as Lieutenant Governor a  
4 plan that would limit the ability of the utilities to  
5 pass along costs that they have incurred by the siting  
6 and maintenance of Indian Point?

7           A       (WITNESS DELBELLO) I think we'd have to go  
8 much further than that, because obviously, if they're  
9 not allowed to pass it along then it becomes a  
10 stockholders' cost. And in some cases I think wherever  
11 there is a mistake, a misjudgment involved, it should be  
12 a stockholders' cost.

13           But if we charge against stockholders' returns  
14 certain costs that aren't appropriately theirs, then  
15 back into the rate base comes an additional cost to  
16 compensate for some of that, and you'll get it directly  
17 or indirectly.

18           Q       I think you're saying we're going to pay no  
19 matter what we do.

20           A       (WITNESS DELBELLO) And I'm really not copping  
21 out on this at all, because the basic concepts or  
22 precepts that are used for the management of, for the  
23 regulation of electric utility companies and their  
24 ratemaking systems are no longer relevant to today's  
25 needs and to nuclear energy. I think we ought to go

1 much deeper, much further into a reform in order to get  
2 this entire system to be able to respond to what we are  
3 dealing with here in the New York metropolitan area.

4 Q Let me move on to another area. In your  
5 supplemental testimony on page 2, as well as in your  
6 amended testimony, there is consistent reference -- and  
7 I can pull it out if you want me to -- regarding state  
8 obligation in picking up costs for various aspects. At  
9 one point I believe in your supplemental testimony, on  
10 page 2, you call for new legislation.

11 You are, I assume, as County Executive, have  
12 been as County Executive, familiar with the state  
13 budgeting process, have you not?

14 A (WITNESS DELBELLO) Yes.

15 Q And as Lieutenant Governor you're certainly  
16 going to become more familiar with it. Given the state  
17 budgetary crisis -- and I take what I know only from the  
18 New York Times -- do you expect realistically that  
19 Westchester County will receive an amount of money  
20 adequate to meet its radiological emergency planning  
21 needs in light of state deficits in the other programs  
22 that are going to come out of the state government?

23 A (WITNESS DELBELLO) I think you misunderstand  
24 the source of the money that is passing through the  
25 State. That is a levy against the utilities based on

1 reactors. That is \$250,000 per reactor. That's where  
2 that pot of money is developed. So it really has  
3 nothing to do with the state budget itself.

4 Q Let me ask the question slightly differently.  
5 I believe your testimony indicates you don't believe the  
6 existing pot of money is adequate?

7 A (WITNESS DELBELLO) That's right.

8 Q The 708. And going back to your previous  
9 question, if they have to get the money where are they  
10 going to get it? But holding that aside, you then, I  
11 assume, would support a tithe -- maybe not the best word  
12 -- a levy, a per-reactor levy sufficient to fund  
13 adequately all planning needs; is that correct?

14 A (WITNESS DELBELLO) That follows logically  
15 from my belief we have to get to the true cost.

16 Q And we would attempt, through your previous  
17 answer, to limit the pass-along?

18 A (WITNESS DELBELLO) Yes.

19 Q Let me just pick up one question that was  
20 touched on -- I'm not sure it was answered -- regarding  
21 the profound logistical needs the County has. One of  
22 those needs I assume, I believe explicitly referred to,  
23 is the roadway.

24 A (WITNESS DELBELLO) Right.

25 Q There was a colloquy a few moments ago with

1 Mr. Scheiner regarding the availability of enough  
2 money. Do you have -- and I'm not asking for a dollar  
3 figure, but isn't it fair to say that the amount of  
4 money necessary to redo the roads, those roads that need  
5 redoing in Westchester, in Rockland, in the whole  
6 metropolitan region, to make the plan really adequate,  
7 is an amount of money that nobody can realistically  
8 expect to have applied to that task?

9 A (WITNESS DELBELLO) No, you could never do  
10 that. You could never do that. The planning has to  
11 account for a road system that is not totally adequate.  
12 So it is a combination of improvement plus planning to  
13 account for it. Economically, you could never improve  
14 all those roads up to a superior standard for this  
15 purpose. It just could not be done.

16 Q Which would mean, then, that you could  
17 envision at some point down the road basically coming to  
18 the conclusion that no plan is workable, assuming we can  
19 -- well, I'll withdraw it. That no plan is workable.

20 A (WITNESS DELBELLO) I am not willing to say  
21 that yet.

22 Q It is a possibility. I don't know if you'll  
23 say it today.

24 A (WITNESS DELBELLO) Hey, I said that the very  
25 first day, that we have to confront the reality of the

1 situation that maybe no plan is possible because of the  
2 location of these plants, and so forth, and yet maybe  
3 they are. But we have to get to that answer.

4 Q That was two years ago you said that.

5 A (WITNESS DELBELLO) Yeah.

6 Q Actually, it was 1977 when you first realized  
7 that you had a problem.

8 A (WITNESS DELBELLO) Well, I think it was  
9 somewhere around the Three Mile Island incident that we  
10 started really getting into it in great depth, in great  
11 detail.

12 Q And as you sit here, you're really not more  
13 secure in which way to go than you were then?

14 A (WITNESS DELBELLO) Well, we've narrowed it.  
15 We've narrowed the focus, and I think I've given credit  
16 to a great number of people for having gotten to this  
17 point already. But we are now at the rock and we have  
18 to figure out whether that rock can be moved or not.  
19 And there are just a few more steps that have to be  
20 taken and we get an answer to it.

21 JUDGE GLEASON: Mr. Kaplan, since you've asked  
22 the ultimate question, can't you conclude now?

23 MR. KAPLAN: Did you like the answers to the  
24 ultimate question?

25 (Pause.)

1 BY MR. KAPLAN: (Resuming)

2 Q There's one other question I think is equally  
3 important to the one that was asked. With all due  
4 respect, Lieutenant Governor, you may not want to answer  
5 this again. If you don't want to, if they let me ask it  
6 at all, please just don't answer it.

7 MR. BRANDENBURG: I feel as though I'm being  
8 cued to object, Mr. Chairman.

9 BY MR. KAPLAN: (Resuming)

10 Q There was a question from Mr. Scheiner  
11 regarding your position now as to whether the plants  
12 should be allowed to remain open without an in-place  
13 plan that you, as either the Westchester County  
14 Executive or the New York State Lieutenant Governor,  
15 feel adequately protects the residents of Westchester or  
16 New York City, or whatever radius you choose. I believe  
17 you did not answer that question directly, so I'm going  
18 to put it to you directly.

19 If you had the power right now as you sit  
20 there -- and I will rephrase it if they don't like this  
21 formulation -- to close those plants, would you exercise  
22 that power to do so, in light of the inability, as you  
23 stated throughout your testimony, to assure the  
24 residents of Westchester or any other geographical area  
25 of their safety?

1           A       (WITNESS DELBELLO) If I had the power to do  
2 that right now, what I probably would say is, you've got  
3 30 days or it happens, and then on that 31st day they  
4 would be closed.

5           Q       Even though they have just had 90 or 120?

6           A       (WITNESS DELBELLO) Well, nobody believed  
7 that. Now, that's the truth. That's the way I see it.  
8 When the NRC said you had 120 days, if somebody had  
9 believed it we would know the answer today as to whether  
10 we would have workable plans or we wouldn't. But nobody  
11 believed the NRC anyway.

12                       So therefore nothing -- I mean, a lot was  
13 done, but that last drive, that foot to the fire, that  
14 experience that was, you know, in light of fear that  
15 something was going to happen and drive it to a  
16 conclusion didn't exist.

17           Q       Maybe it was because there was no conclusion,  
18 that they can't resolve the problem; is that possible?

19           MR. CZAJA: That has been asked a couple of  
20 times, Mr. Kaplan, in the last ten minutes.

21           JUDGE GLEASON: That's true.

22           WITNESS DELBELLO: I would put a very honest,  
23 true date and say that's it. And it wouldn't be very  
24 long, that's it.

25           BY MR. KAPLAN: (Resuming)

1 Q As Lieutenant Governor are you prepared to  
2 make or are you contemplating or considering making a  
3 recommendation to the Governor which would have a  
4 similar force and effect of the one that you have just  
5 articulated here today?

6 A (WITNESS DELBELLO) I wouldn't know yet  
7 exactly what I'm going to recommend to him.

8 MR. KAPLAN: Thank you.

9 JUDGE GLEASON: Mr. Hassell?

10 MR. HASSELL: The NRC Staff has no questions  
11 at this time. I believe Mr. Glass would like to ask two  
12 questions.

13 JUDGE GLEASON: Mr. Glass?

14 Mr. Glass represents FEMA.

15 CROSS-EXAMINATION ON BEHALF OF THE  
16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 BY MR. GLASS:

18 Q Who determines in Westchester County the  
19 nature and extent of resources that will be made  
20 available for an exercise?

21 A (WITNESS DELBELLO) I would imagine that,  
22 because of the multiple jurisdictions involved, the only  
23 one that could identify the resources that are available  
24 would be the County government. I don't think anybody  
25 would have the means to do it but the County



1 government.

2 Q Is there a commitment by the County government  
3 to provide the workers, equipment and money that would  
4 be necessary to conduct in Westchester County what you  
5 have described as a full exercise?

6 A (WITNESS DELBELLO) No, there is no commitment  
7 to do that. There is a commitment to participate and to  
8 be as helpful as possible in exercising the plans, but  
9 there are no stated commitments that all the manpower,  
10 equipment and money will be available to exercise them.  
11 We don't know if it's available.

12 MR. GLASS: Thank you.

13 (Pause.)

14 JUDGE GLEASON: The final question comes from  
15 the Chairman, Mr. DelBello. Well, he's got three or  
16 four. I'll ask the final one.

17 JUDGE PARIS: Mr. DelBello, we are aware that  
18 Westchester County does not have an agreement with bus  
19 drivers or bus companies for them to participate in an  
20 evacuation during a radiological emergency. Can you  
21 tell us what needs to be done to obtain such an  
22 agreement?

23 WITNESS DELBELLO: I think essential to  
24 inducing an agreement with bus drivers is to convince  
25 them that the plan as outlined in the proposals is

1 realistic and workable. They will identify quicker than  
2 anybody else in the populace that the plan is either  
3 unworkable or infeasible and is just a joke and that  
4 they would not participate with it. So I think you  
5 first have to win them over by convincing them it is a  
6 feasible, realistic plan.

7           And then you have to assure them that they  
8 will be equipped and protected as much as possible, to  
9 induce them to sign it.

10           JUDGE PARIS: Has an effort been made to do  
11 this?

12           WITNESS DELBELLO: I don't know to what degree  
13 our Department of Transportation, the bus operators and  
14 the drivers have been involved to the end of signing a  
15 contract. I really don't know.

16           JUDGE PARIS: The next is -- well, let me ask  
17 one more question with regard to the bus operation. You  
18 indicated you thought the bus operation needed to be  
19 redesigned. Do you have any specific ideas how they  
20 need to be redesigned?

21           WITNESS DELBELLO: I don't have any specifics  
22 as such. But after the 120-day clock started running  
23 our department spoke to at least one company that is a  
24 transportation planner and that transportation planning  
25 company suggested a whole new concept on how to deal

1 with the buses, and that just in a very superficial way  
2 seemed to me to be much more practical than the way that  
3 the original consultants designed the bus concept.

4 I believe there are other approaches that can  
5 be used for bus evacuation that we haven't even  
6 entertained yet. I don't think we tapped into all the  
7 talent that is available in this country to design that  
8 system.

9 JUDGE PARIS: You mentioned the sirens and  
10 this is a question, a technical question that I have not  
11 been able to get answered yet. Do you happen to know  
12 whether, given a blackout, the sirens could be  
13 activated?

14 WITNESS DELBELLO: I have no idea. I don't  
15 know.

16 JUDGE PARIS: And one other thing. You  
17 mentioned the desirability of possibly having some sort  
18 of monitoring system in the control room that would  
19 alert the public officials directly. Do you mean  
20 monitoring in the control room that would give you, give  
21 public officials, readouts or were you talking about  
22 radiation monitors that would detect escaped  
23 radioactivity?

24 WITNESS DELBELLO: What I was talking about  
25 was the two alternatives that are discussed most

1 frequently to getting an early warning independent of  
2 the utility operator, and that is to either have a  
3 public representative in the control room, a public  
4 employee who is in the control room who reads the gauges  
5 and devices in the control room and is able to notify  
6 the public officials responsible when something is going  
7 awry.

8           The other way of doing that is with a remote  
9 monitoring system which through television or duplicated  
10 measurement devices, gauges, reproduces the control room  
11 at another location, so that you could get six control  
12 rooms reproduced in Albany where one person monitors,  
13 rather than having six public representatives in six  
14 control rooms. It's just another way of doing the same  
15 job.

16           But you're putting the eyes and ears of a  
17 public representative on the scene to identify the  
18 occurrence at the earliest stage, when the utility first  
19 learns of the occurrence, so that parallel steps can be  
20 taken both in the government process and in the private  
21 sector.

22           JUDGE PARIS: Okay. Thank you very much, and  
23 thank you for taking time from your busy schedule to be  
24 here.

25           WITNESS DELBELLO: Thank you.

1 JUDGE GLEASON: As I think you are aware, the  
2 Commission asked the Board to make recommendations on  
3 six questions. But there was a seventh question that  
4 involves the Governor of the State of New York, and it  
5 reads as follows: "Does the Governor of the State of  
6 New York wish to express an official position with  
7 regard to the long-term operation of the units?"

8 I am advised that the Board in previous days  
9 has sent some communication to the then-Governor and  
10 there has not been any response to that question. We  
11 would appreciate that some time before the Board  
12 concludes its deliberations over the next four, five to  
13 six months, getting some kind of an answer to that,  
14 whether he in fact wants to respond, and we would  
15 appreciate your help on that.

16 WITNESS DELBELLO: I will do that.

17 JUDGE GLEASON: As Chairman, I also want to  
18 express our appreciation for your coming down.

19 You are excused.

20 WITNESS DELBELLO: Thank you.

21 (Witness excused.)

22 JUDGE GLEASON: I have one more thing to do  
23 with respect to question 2. Did you want to make some  
24 comments with respect to FEMA's delay or request to  
25 delay their participation on question 3 and 4?

1           MR. BRANDENBURG: Well, as I understand Mr.  
2 Glass' proposal on behalf of FEMA, he is perhaps better  
3 able to describe for us exactly what he is proposing  
4 than I am. There would be some addressing of question 3  
5 and 4 issues by this Board some time after the 15th of  
6 April.

7           As I understand Mr. Glass, by the 15th of  
8 April Mr. Glass would be able to provide to all of us  
9 some information about emergency planning that is  
10 derived from the drill occurring on March 9th.  
11 Presumably, the parties would review that material, they  
12 would study it, they would go over it with their  
13 consultants, and presumably prepare for some sort of  
14 hearing that would address that new information  
15 contained in Mr. Glass' April 15th report.

16           Now, as I turn to the Board's schedule for the  
17 remainder of these hearings, as most recently set forth  
18 in its December 8th order, I find that at present the  
19 last date for the submission of supplemental testimony  
20 by not only FEMA but by all other parties on questions 3  
21 and 4 is presently set for February 14th. So the date  
22 that would be necessary to accommodate Mr. Glass'  
23 request would involve a necessary delay of at least two  
24 months just in receiving the testimony, without  
25 according additional time to enable the parties to

1 prepare to cross-examine on that.

2 As I look to the balance of the Board's  
3 schedule, I see that at present the hearings on all  
4 topics, both emergency planning as well as all of the  
5 other issues, all six Commission questions, is presently  
6 scheduled to terminate on the 22nd of April, the last  
7 week being devoted to hearings on economic issues  
8 implicit in Commission question 6.

9 So if we are to stick to our commitment, as I  
10 understand the Board is committed to do, to give its  
11 recommendations to the Commission on July 29th, and if  
12 the parties are going to be able to view the voluminous  
13 record that already exceeds some 6,000 pages and prepare  
14 their recommendations to the Board, our proposed  
15 findings of fact and so on, it will be necessary to meet  
16 the July 29th date.

17 I'm simply at a loss to understand how we  
18 could accommodate Mr. Glass' request.

19 JUDGE GLEASON: All right. Let me just give,  
20 in a very brief response, that the Board does not intend  
21 to make a final decision with respect to that until next  
22 week.

23 MS. HOLT: May the Intervenors make a comment  
24 on that?

25 JUDGE GLEASON: No. Really, I don't think --

1 why don't you listen first, and then if you think your  
2 comment is necessary.

3 MS. HOLT: Well, I thought you were going to  
4 close at that point.

5 JUDGE GLEASON: What the Board is currently  
6 thinking of, and it's just thinking of it, is  
7 accelerating question 6 by one week, because there is a  
8 week that is vacant ahead of the week which it is  
9 scheduled for, and then permitting FEMA to come in with  
10 its report in the week where question 6 is. That does  
11 not obviate any other reports that FEMA has to make  
12 under our schedule requirements, and we have indicated,  
13 I think from the beginning or at least for the last  
14 month, that we will ask them to make a report on the  
15 results of the exercise, and that will occur and then  
16 we'll decide at that point whether any extensive  
17 cross-examination of it should occur.

18 MR. BRANDENBURG: If I might just respond  
19 briefly, Con Edison at least, and I believe also the  
20 Power Authority, anticipates extensive testimony on  
21 Commission question 6 from outside consultants. We have  
22 given those consultants the Board's present timetable  
23 and have asked them to hold themselves available for the  
24 week of April 19th.

25 Now, I can inquire as to whether or not the



1 consultants will be ready to come earlier.

2 JUDGE GLEASON: Well, I wish you would do  
3 that, because we can discuss it with you next week.

4 Now, in the light of that do you want to make  
5 a comment?

6 MS. HOLT: You're absolutely right, I should  
7 have listened first. I have nothing further.

8 JUDGE GLEASON: All right, thank you.

9 We have one other item, and we hope this is  
10 the last thing we ever say on schedule question 2. We  
11 received, the Board received, last night a telegram from  
12 UCS when we got back to the hotel, complaining in  
13 essence about the lack of time that UCS would have to  
14 study the testimony of the Licensees on their contention  
15 2.1.A and 2.1.D, which is the matter that has been the  
16 subject of the discovery dispute between them.

17 We have been able to work out a shuffling of  
18 the witnesses on question 2 and this will accommodate  
19 providing Mr. Blum and UCS with additional time to study  
20 the testimony which is going to be in his hands by  
21 Monday next from the Licensees. And that schedule is  
22 now agreed upon.

23 We will have on Tuesday -- all right. We will  
24 move up from the following week the testimony on the  
25 steam generator tube integrity from the witnesses from

1 the Power Authority and Con Edison. On Wednesday we  
2 will have the UCS-NYPIRG testimony on filtered vented  
3 containment and separate containment systems. And then  
4 on Thursday and Friday we will have the probabilistic  
5 and generic aspects of those two systems from the  
6 Licensees, and they will also respond at that time to  
7 question 2, if I understand correctly.

8 All right, and then the week of January 25th  
9 we'll start on Tuesday with Mrs. Fleisher's testimony on  
10 brackish water and testimony on the Board question under  
11 contention 2, and then we will follow that up with the  
12 Licensees' responses to that contention on brackish  
13 water; and finally, we'll have the Staff witnesses on  
14 all of the above areas.

15 I might say that we don't have the list of the  
16 Staff witnesses, or at least it hasn't been announced.  
17 Has this been forwarded to the Board, Mr. Hassell?

18 MR. HASSELL: Actually, I do not know, but I  
19 can find out.

20 JUDGE GLEASON: Well, we have time because  
21 it's not until the following week. But we would  
22 appreciate having that next week.

23 MR. HASSELL: Yes.

24 MR. LEVIN: That testimony has been filed,  
25 Your Honor, so the Board should have it soon.

1 MR. BRANDENBURG: Mr. Chairman, will we be  
2 convening at 9:30 or 9:00 o'clock Tuesday? I only ask  
3 because I think we met at 9:30 this past Monday.

4 JUDGE GLEASON: 9:00 o'clock.

5 MR. KAPLAN: Just so the record is clear, this  
6 morning I delivered to the Board and other parties a  
7 letter regarding scheduling and siting on questions 3  
8 and 4.

9 JUDGE GLEASON: All right. Is there anything  
10 else that has to come before the Board?

11 (No response.)

12 JUDGE GLEASON: Great. We stand in recess  
13 until next Tuesday. Thank you.

14 (Whereupon, at 1:21 p.m., the hearing in the  
15 above-entitled matter was recessed, to reconvene at 9:00  
16 a.m. on Tuesday, January 18, 1983.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
ATOMIC SAFETY AND LICENSING BOARD

in the matter of: CONSOLIDATED EDISON COMPANY OF NEW YORK  
(Indian Point Unit 2 - POWER AUTHORITY OF THE STATE  
OF NEW YORK (Indian Point Unit 3)

Date of Proceeding: January 14, 1983

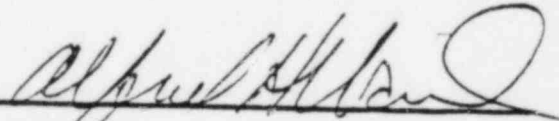
Docket Number: 50-247 SP and 50-286 SP

Place of Proceeding: White Plains, New York

were held as herein appears, and that this is the Original transcript  
thereto for the file of the Commission.

Aldred H. Ward

Official Reporter (Typed)



Official Reporter (Signature)