

NUCLEAR REGULATORY COMMISSION

ORIGINAL

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	:	DOCKET NOS.
	:	
CONSOLIDATED EDISON COMPANY OF NEW YORK (Indian Point Unit 2)	:	50-247 SP
	:	
POWER AUTHORITY OF THE STATE OF NEW YORK (Indian Point Unit 3)	:	50-286 SP
	:	

DATE: July 19, 1982 PAGES: 3332 - 3638
AT: New City, New York

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

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In the Matter of:	:	Docket Nos.:
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CONSOLIDATED EDISON COMPANY OF NEW YORK	:	
(Indian Point Unit 2)	:	50-247 SP
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Clarkstown Town Hall
Room 311
Congers Road
and Maple Avenue
New City, New York

Monday, July 19, 1982

The third special prehearing conference in
this special investigative proceeding was convened,
pursuant to recess, at 10:10 a.m.

BEFORE:

- LOUIS J. CARTER, Chairman
Administrative Law Judge
- OSCAR H. PARIS
Administrative Law Judge
- FREDERICK J. SHON
Administrative Law Judge

1 APPEARANCES:

2 On behalf of Licensee, Consolidated Edison Company
3 of New York:

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21 On behalf of the Nuclear Regulatory
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25 Washington, D.C.

On behalf of the Federal Emergency Management
Agency:

STUART GLASS

On behalf of the Intervenors:

Council of the City of New York:

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County of Rockland:

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1 APPEARANCES: (Continued)

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4 New York City Audobon Society:

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9 JOAN HOLT

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18 Parents Concerned About Indian Point:

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1 APPEARANCES: (Continued)

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7 Westchester People's Action Coalition, Inc.:

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C O N T E N T S

					<u>CROSS ON</u>
2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>REXCROSS</u> <u>BOARD</u>
					<u>BOARD</u>

3	Sam Z. Gdanski				
4	By Mr. Thorsen	3351			
	By Ms. Fleisher		3373		
	By Mr. Kaplan		3393		
5	By Mr. Brandenburg		3403		

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7	Sam Z. Gdanski (Resumed)				
8	By Mr. Brandenburg		3463		

9	<u>LIMITED APPEARANCE STATEMENT OF:</u>				<u>PAGE</u>
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10	Benjamin A. Gilman,				3536
	Representative in the U.S. Congress				
	for the Twenty-Sixth Congressional				
11	District of New York				

12	<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>REXCROSS</u> <u>BOARD</u>
					<u>BOARD</u>

13	Sam Z. Gdanski (Resumed)				
	By Mr. Czaja		3544		
14	By Mr. Hassle		3572		
15	James F. Kralik				
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16	By Ms. Fleisher		3578		
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19	<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
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20	WBCA No. 2	3385	
	ICSC No. 2	3628	

21 Testimony of Sam Gdanski with attachments.....page 3369

24 RECESSES:

25 Morning - 3381, Noon - 3454, Afternoon - 3492 & 3574

1 Immediately to my right is Paul Colarulli. To my left
2 at the end of the table are Richard Czaja and David
3 Pikus.

4 MR. HASSLE: My name is Donald Hassle, counsel
5 for NRC Staff.

6 MR. MC GURREN: My name is Henry J. McGurren.
7 I am also counsel for NRC Staff.

8 JUDGE CARTER: Mr. Hartzman?

9 MR. HARTZMAN: Richard Hartzman for New York
10 City Audubon Society and Friends of the Earth.

11 MS. KESSLER: Judith Kessler, Coordinator,
12 Rockland Citizens for Safe Energy.

13 MR. DIETERICH: Michael Dieterich for NYPIRG.
14 Seated to my left is Joan Holt.

15 MS. POSNER: Pat Posner for Parents Concerned
16 about Indian Point.

17 MR. THORSEN: Eric Thorsen for the County of
18 Rockland.

19 MS. FLEISHER: Zipporah Fleisher for the West
20 Branch Conservation Association, and with me is Mr.
21 Martus, M-a-r-t-u-s, Granirer, G-r-a-n-i-r-e-r,
22 President of West Branch Conservation Association.

23 MR. KAPLAN: Craig Kaplan, New York City
24 Council Intervenors.

25 JUDGE CARTER: I have two items to place on

1 the record. First as to the discovery matter raised at
2 our last set of hearings by Mr. Sohinki for Consolidated
3 Edison, let the record show that the following order was
4 issued last Friday by the Chair: number one, that
5 interrogatories to Dr. Beyea and Mr. Palenik need not be
6 formally answered, the witnesses having testified and
7 been cross examined.

8 2A, all questions of the 107 with subdivisions
9 filed June 16 by the Licensees and not heretofore
10 answered by Intervenors shall be answered, there being
11 no objections filed and no protective order sought. The
12 answers are to be delivered to the Licensees before the
13 close of business on Monday, July 26.

14 Paragraph B, in order to answer the
15 interrogatories, Licensees shall provide UCS-NYPIRG with
16 an additional copy of the Indian Point Probabilistic
17 Risk Assessment, which copy shall be returned when
18 Licensees advise the Intervenors that discovery has
19 ended.

20 Finally, the Board requests all parties to
21 adhere more faithfully to time requirements for
22 answers. The allowance by the Board of additional time
23 to provide answers should not be construed as approval
24 of the delays which have occurred. The Board will
25 require more prompt adherence to time schedules and will

1 impose sanctions, if necessary.

2 Now, leaving that subject and going on to
3 additional matters, have there been any motions or other
4 filings made since our last hearing which may not have
5 been served on all parties?

6 Mr. Levin?

7 MR. LEVIN: Your Honor, I have a point on your
8 last areas that you discussed. I can hold it if you
9 would like to go into this.

10 JUDGE CARTER: Let's see, what if anything has
11 been filed? I take it there have been no motions or any
12 other pleadings filed, although there have been answers
13 to interrogatories served and additional copies.

14 Mr. Levin, do you have a question?

15 MR. LEVIN: Yes, sir, I am somewhat concerned
16 that conversations have taken place to which the Power
17 Authority was not a party, between the Board or members
18 of the Board and other parties in the proceeding and
19 would request -- I know, for example, that this occurred
20 Friday, and I would request that if any substantive --
21 well, if any issues connected with the hearings take
22 place, conversations between parties and the Board, that
23 all parties be party to those discussions. I think
24 anything else violates the ex parte rule and presents
25 difficulties for all of us.

1 JUDGE CARTER: Thank you for reminding me, Mr.
2 Levin. I did not need that reminder. The Board is
3 familiar with the ex parte rule. There was no issue of
4 substance discussed, and notice of conversation was
5 given at the last hearing.

6 If there was any problem about that, it should
7 have been raised at that time.

8 MR. LEVIN: Well, Your Honor --

9 JUDGE CARTER: There is no need to argue it
10 any more. There was no issue of substance discussed in
11 any telephone conversation. When there is, you will be
12 so advised.

13 MR. LEVIN: May I state for the record, Your
14 Honor, that one of the problems is determining when the
15 Board communicates with parties when an issue of
16 substance occurs and when it does not, and I do not
17 think that the ex parte rules provide for nonsubstantive
18 issues to be discussed. If one can define that between
19 the Board and parties --

20 JUDGE CARTER: Mr. Levin, I am not going to
21 discuss with you the meaning of the ex parte rules. I
22 am familiar with them. There was no violation of ex
23 parte.

24 Mr. Sohinki, did you have a question?

25 MR. SOHINKI: Mr. Chairman, in light of the

1 Board's ruling and in light of the fact that these
2 conversations that we had last week were not on the
3 record conversations with the Court Reporter, I thought
4 that I should make a statement on behalf of Con Edison
5 in regard to the Board's ruling.

6 JUDGE CARTER: I don't think a statement is
7 necessary. The Board has ruled. We will continue.
8 This is not a free for all, as you would like to put
9 it. We will continue the hearing.

10 Are you ready with the witnesses?

11 MS. FLEISHER: Your Honor, I have two quick
12 items if I may. One is that on June 4 I wrote an
13 interrogatory requesting a copy of Volume 1 of the
14 Indian Point Probabilistic Safety Study in order to,
15 since we are the lead Intervenors and there are no
16 contributing Intervenors on Contention 5.1. I have seen
17 lots of people walking around with copies of it in White
18 Plains the other day, and I do not see why we could not
19 be supplied a copy on loan. We sent a letter to Shea
20 and Gould May 13, and on June 4 --

21 JUDGE CARTER: Well, you discuss that with Mr.
22 Sohinki and then we will take it up later in the
23 hearing.

24 MS. FLEISHER: There are other items they have
25 not answered, and I have purposefully not bothered to.

1 bring them up because I think they were a nuisance.

2 Now let me just make another announcement, and
3 that is that Mr. Frank Fisher of Orange and Rockland has
4 agreed to come and be a witness and to supply us with
5 testimony. It should be in my mailbox today. He did,
6 however, lack the time the subpoena said, nor was it
7 necessary to do any more than show him the subpoena, and
8 he would like to come, if possible, to White Plains on
9 August 5 at 2:00 o'clock.

10 Now, that doesn't mean he has to come exactly
11 at that time. It was just a time he suggested, and
12 whatever is your pleasure I will convey to him.

13 JUDGE CARTER: When we set the hearing for
14 that date, we will review that again. We won't do it at
15 this time.

16 Mr. Sohinki?

17 MR. SOHINKI: Mr. Chairman, for the record I
18 think Ms. Fleisher had conversations with Shea and
19 Gould, and while I admire and respect my co-counsel from
20 Shea and Gould, I have to make clear that I am not a
21 member of that firm.

22 JUDGE CARTER: Well, because you have the same
23 problem -- we had the same problem with UCS-NYPIRG
24 providing a copy, I thought it would be better for her.
25 You can talk to Mr. Sohinki and Mr. Czaja and try to

1 resolve that problem.

2 MS. FLEISHER: Your Honor, my request was to
3 the Licensees, so I don't know what --

4 JUDGE CARTER: I don't want to take the time
5 with that now. We want to get on to the testimony.

6 Mr. Hassle.

7 MR. HASSLE: Just one preliminary matter.
8 This morning I gave you a copy of the U.S. Nuclear
9 Regulatory Commission's statement of policy issued on
10 July 16, 1982 concerning --

11 JUDGE CARTER: Excuse me, Mr. Hassle. You are
12 going to have to speak more loudly and more slowly.

13 MR. HASSLE: Excuse me.

14 This morning I gave the members of the Board
15 and the parties a statement of policy of the U.S.
16 Nuclear Regulatory Commission which was issued on July
17 16, 1982 which concerned consideration of psychological
18 stress issues in proceedings. The preliminary matter I
19 wanted to raise was whether the Board might want to have
20 some argument with respect to the effect of this policy
21 statement in contentions later this week. I have given
22 all the parties a copy.

23 JUDGE CARTER: Thank you, Mr. Hassle. That
24 may very well be. We will review it. I just received
25 it this morning myself, and we will try to let you know

1 tomorrow what our plans are with regard to it.

2 Now, with regard to the witnesses to appear
3 this morning, as to the cross examination schedule of
4 the Intervenor witnesses, it would appear that the
5 schedule used for Dr. Beyea's panel could not be simply
6 applied to numerous individual witnesses and to quote
7 the Licensees, if the cross examination is not roving,
8 "roving" in quotes, and if it is "focused," there should
9 appear to be no need to impose any set time limits. .
10 Just as we gave Mr. Hartzman an opportunity on his first
11 day, we shall do so likewise with the Licensees today,
12 and as to opening statements, Mr. Thorsen, you may make
13 an opening statement, a short one, and then present your
14 witnesses, and for the benefit of the public, you or the
15 witness may give a two or three minute summary of your
16 written testimony.

17 Are you ready, Mr. Thorsen?

18 MR. BRANDENBURG: Mr. Chairman, before we
19 proceed, one or two other housekeeping matters.

20 I was wondering if we could inquire through
21 the Board the status of limited appearance statement
22 person Benjamin Gilman, Congressman Gilman, who we are
23 advised may be choosing to make a limited appearance
24 statement sometime today. I am unfamiliar with the
25 current status of that at the current time.

1 JUDGE CARTER: Mr. Thorsen.

2 MR. THORSEN: I am sorry, Your Honor, I am
3 afraid I was talking to my witnesses.

4 JUDGE CARTER: What about Congressman Gilman?

5 MR. THORSEN: Congressman Gilman will be
6 appearing at approximately 3:30 to read his statement
7 into the record. He will make a limited appearance
8 statement and will not be presented as a witness for
9 Rockland County.

10 JUDGE CARTER: Anything else?

11 MR. BRANDENBURG: One last housekeeping
12 matter, Mr. Chairman.

13 In preparing for the cross examination of the
14 Rockland County witnesses this week, it has come to our
15 attention that one of the witnesses who will be
16 testifying much later this week, a Dr. Bernard Flicker,
17 previously made a limited appearance statement on
18 January 12, I believe in this proceeding, and pursuant
19 to 10 CFR 2.715 of the Commission's rules of practice,
20 such a person "may not otherwise participate in the
21 proceeding."

22 In light of the fact that Dr. Flicker has
23 chosen at an earlier time to make a limited appearance
24 statement before this proceeding, under the clear
25 wording of the section from which I just quoted, he is

1 precluded from otherwise participating in the
2 proceeding, and in particular, being a witness, a formal
3 witness for the record.

4 At this time we would move and seek a ruling
5 from the Board that pursuant to the section of the
6 Commission's rules of practice which I just quoted from,
7 that Dr. Flicker will not be permitted to be a witness
8 in this proceeding.

9 MR. CZAJA: Mr. Chairman, we join in Mr.
10 Brandenburg's application.

11 JUDGE CARTER: Mr. Thorsen, I will hear you on
12 this after lunch. I take it Dr. Flicker is not to be
13 testifying this morning.

14 MR. THORSEN: That's correct, Judge.

15 JUDGE CARTER: We will hear Mr. Thorsen and
16 then rule on it after lunch.

17 Proceed, Mr. Thorsen.

18 MR. THORSEN: Thank you.

19 My name is Eric Thorsen and I appear at these
20 proceedings for Mark L. Paris, the Rockland County
21 Attorney, on behalf of the County of Rockland.

22 The County of Rockland represents 260,000
23 people, approximately 109,000 of whom reside within a
24 ten mile radius, emergency planning zone, or EPZ, of the
25 Indian Point nuclear power facilities. For both those

1 who reside within and without the EPZ, Indian Point is a
2 source of fear and concern for this county, fears and
3 concerns that are not and cannot be banished by a wave
4 of the magic wand called radiological emergency response
5 planning because radiological planning, including
6 evacuation plans, cannot render an unsafe plant into a
7 safe one, cannot assure the safety and lives of people,
8 and in fact, casts the burden, expense, obligation and
9 risks of loss of property and perhaps life directly onto
10 those who do not wish it, the citizens of Rockland
11 County.

12 Indian Point was sited in the mid-'50s when
13 there were few rules governing the location or design of
14 nuclear facilities. When Indian Point Units 2 and 3
15 were built and began operations in the 1970s, there was
16 no consideration of the potential for major nuclear
17 accident, but that potential was almost realized at
18 Three Mile Island on March 28 of 1979. It is the legacy
19 of Three Mile Island that has left the nation with terms
20 like EPZ and radiological emergency response planning
21 and with a new awareness of the risks of nuclear
22 energy.

23 Rockland County does not know what the
24 probability is of a serious accident at Indian Point,
25 and we will offer no testimony on that issue. Rockland

1 County knows only that the consequences would be
2 catastrophic, with or without an evacuation plan. The
3 citizens of Rockland County, volunteers, parents and
4 county employees involved in radiological planning, all
5 know the tremendous time and money, energy and stress
6 which is required to implement radiological planning as
7 well as to keep plans current.

8 We know this firsthand because we are the
9 people who live here, who work here, who drive the roads
10 here and who raise our children here. We have heard and
11 listened carefully to the earlier testimony of witnesses
12 from the Federal Emergency Management Agency, witnesses
13 who have stated that radiological planning cannot
14 guarantee the safety or lives of people. We have heard
15 the testimony of Dr. Jan Beyea, who stated the potential
16 loss of lives in New York City, many more miles away
17 from Indian Point than Rockland County, is in the tens
18 of thousands.

19 Even if radiological emergency response
20 planning were adequate to deal with the short term
21 effects of an accident at Indian Point, planning does
22 not and cannot address the problems of long term
23 contamination of water, land, food and buildings.

24 Emergency planning does not address the health
25 problems which plague us and our children, perhaps for

1 decades.

2 The legislature of Rockland County has not
3 taken a position on nuclear energy, pro or con. The
4 actions of the Rockland County legislature in
5 withdrawing from our radiological emergency response
6 plan --

7 JUDGE CARTER: Excuse me. Just a little
8 slower.

9 MR. THORSEN: -- prepared for us by the Indian
10 Point Licensees was not an effort to close our eyes to
11 the problems created by Indian Point. What the
12 legislature of Rockland County has done is to recognize
13 that the risks imposed by the Indian Point power
14 facilities are too great, are too catastrophic, and that
15 the plants should be shut down to ensure the safety of
16 Rockland County's citizens.

17 What we intend to establish in these
18 proceedings is that the radiological emergency response
19 plan presented to us by the Indian Point facilities is
20 fundamentally flawed and incapable of implementation.
21 We intend to establish that the costs associated with
22 maintaining an adequate level of radiological
23 preparedness are so astronomical as to be totally
24 prohibitive.

25 I therefore call as my first witness the

1 Honorable Sam Gdanski of the Rockland County
2 Legislature.

3 Mr. Gdanski, would you please state your full
4 name, business address and occupation?

5 JUDGE CARTER: Excuse me, Mr. Gdanski.
6 Perhaps all of the witnesses who will be appearing here
7 this morning, if they would all rise and raise their
8 right hand, we will swear all of the witnesses who
9 propose to testify.

10 MR. THORSEN: Your Honor, I believe Mr.
11 Gdanski is the only witness here for the moment who is
12 testifying this morning.

13 JUDGE CARTER: Mr. Gdanski, you are a member
14 of the Bar?

15 MR. GDANSKI: Yes, Your Honor.

16 JUDGE CARTER: It is not necessary for you to
17 be sworn.

18 (General laughter.)

19 Whereupon,

20 SAM Z. GDANSKI,
21 called as a witness by Counsel for Intervenor County of
22 Rockland, being a member of the Bar, was examined and
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. THORSEN:

1 Q Mr. Gdanski, your full name, business address
2 and occupation.

3 A (WITNESS GDANSKI) My name is Sam Zolna
4 Gdanski, and my business address is 20 Squadron
5 Boulevard, New City, New York. I am an attorney by
6 practice.

7 Q You have before you direct testimony.

8 A (WITNESS GDANSKI) Yes, I do.

9 Q Did you prepare this direct testimony
10 consisting of five pages?

11 A (WITNESS GDANSKI) Yes, I did.

12 Q Are you familiar with it? Have you reviewed
13 the attachments thereto, specifically Exhibits A and B?

14 A (WITNESS GDANSKI) Yes. I am fully familiar
15 with those exhibits?

16 Q Do you have any corrections or additions that
17 you would like to make to your testimony to assure that
18 the testimony is complete and up to date at this time?

19 A (WITNESS GDANSKI) There are some supplemental
20 exhibits which I will be introducing further in the
21 testimony. I could either do that now or later on.

22 MR. THORSEN: I believe that has been
23 distributed to all parties at this time.

24 Is there any party who has not received the
25 pages marked "Additional Testimony of Sam Gdanski on

1 behalf of Rockland County?"

2 JUDGE CARTER: Mr. Thorsen, perhaps you could
3 have the witness generally describe what is in his late
4 filed testimony?

5 WITNESS GDANSKI: The additional exhibits are
6 supporting resolutions, the Rockland County resolution
7 which withdrew from the four county emergency planning,
8 the first resolution is an additional exhibit, which is
9 Exhibit C, added a Resolved clause that the legislature
10 of Rockland County urges the Nuclear Regulatory
11 Commission to immediately suspend the operating license
12 of the Indian Point nuclear facility. And that is dated
13 May 18, 1982. The additional Exhibit D is a declaration
14 of support by the legislature of Rockland County for the
15 motion filed by the Union of Concerned Scientists and
16 NYPIRG for a show cause order also directing that the
17 licenses be revoked and directing the immediate
18 suspension of those nuclear power plants.

19 And Exhibit E is the creation of a new
20 Rockland Citizens Advisory Committee in light of our
21 withdrawal to set up our own Rockland County emergency
22 evacuation plan, if that is feasible.

23 BY MR. THORSEN: (Resuming)

24 Q Thank you.

25 With the corrections and additions you have

1 provided for us today, is the testimony and attachments
2 provided to this Board true and correct to the best of
3 your knowledge and belief?

4 A (WITNESS GDANSKI) Yes, it is.

5 MR. THORSEN: I would now move for the
6 admission of the direct testimony of Sam Gdanski and the
7 attachments thereto, and ask that it be bound into the
8 record as if read.

9 JUDGE SHON: Mr. Thorsen, I would like to ask
10 Mr. Gdanski one minor question. On page 4 of your
11 original testimony --

12 WITNESS GDANSKI: Yes, Your Honor.

13 JUDGE SHON: The third line from the bottom of
14 the page, you said if I may list some of the
15 departments.

16 WITNESS GDANSKI: That is an error. The word
17 "departments" should really be "statements," or
18 "summaries of statements."

19 JUDGE SHON: Summaries. Thank you. I thought
20 that should be corrected.

21 WITNESS GDANSKI: That is correct.

22 JUDGE CARTER: What line is that?

23 WITNESS GDANSKI: Third line from the bottom.

24 JUDGE CARTER: Is there any objection to
25 putting these in the record?

1 MR. CZAJA: Judge, I object to the admission
2 of Exhibit B of Mr. Gdanski's testimony. Exhibit B is a
3 transcript of a hearing presided over by Mr. Gdanski.
4 The document contains multiple levels of hearsay with no
5 assurance of reliability of that hearsay. For example,
6 commencing at page 32 of the transcript, next to Mr.
7 Gdanski's testimony, we have Mr. Thorsen reading into
8 the record statements by other people. So we have at
9 least three or four levels of this.

10 At page 40, Mr. Gdanski reads into the record
11 what he describes as "highlights" from the draft FEMA
12 report. We have the FEMA witnesses. We have the FEMA
13 report. We do not need Mr. Gdanski's summary of it.

14 This Exhibit B includes statements by seven
15 individuals who are not on the Rockland County witness
16 list, and we will not have an opportunity to cross
17 examine these witnesses, and for that reason, it is not
18 only a violation of the rules of the Commission but our
19 constitutional rights to have this testimony admitted.

20 And finally, I would also ask that the
21 question and answer that Judge Shon pointed to in pages
22 4 and 5 of Mr. Gdanski's direct testimony be stricken
23 for the same reason since that is similarly just a
24 purported summary of Exhibit B.

25 MR. BRANDENBURG: Mr. Chairman, Con Edison

1 joins in the Power Authority's application for the
2 reasons stated by Mr. Czaja, and requests that the
3 materials referred to by Mr. Czaja not be admitted into
4 the record in this proceeding.

5 MR. HASSLE: Judge Carter, the staff also
6 joins in that.

7 MR. THORSEN: Your Honor, under this line of
8 reasoning, the person who gains information through
9 meetings, an individual who is chairman of a meeting at
10 which certain informations are produced can never make
11 statements that provide any other person with knowledge
12 of that information because apparently he does not know
13 the truth of these items to his own personal knowledge.

14 Your Honor, I don't believe we are introducing
15 this for the absolute truth of everything that is stated
16 in there, but we are introducing it as a key
17 consideration which was acted upon by the County of
18 Rockland and all the subsequent actions. This
19 transcript predated Exhibit A to Mr. Gdanski's testimony
20 which was the withdrawal from the federally mandated
21 radiological emergency response. I feel it has a
22 valuable point. It is a valuable addition to his
23 testimony. I would ask that it not be stricken.

24 MR. KAPLAN: Mr. Chairman, we join in Mr.
25 Thorsen's statement. I would also add from an almost

1 technical point of view that most of his testimony is
2 being offered to give the Board an insight to the state
3 of mind of the people of Rockland County, and there is a
4 well-known exception under the hearsay rule on that
5 basis.

6 MR. CZAJA: Judge, the point is the people
7 whose state of mind we are allegedly being given this
8 insight into are the people who are going to testify, in
9 which case they can give us their state of mind and be
10 cross examined, or unidentified people who are not
11 subject to cross examination and whom it would be
12 improper to have their opinions before.

13 MR. KAPLAN: Of course, within the cross
14 examining, you will be able to cross examine the
15 credibility of their statements.

16 MR. CZAJA: Not the seven people who aren't
17 called.

18 JUDGE CARTER: Mr. Gdanski, what was the
19 purpose of the public hearing before the Committee to
20 Review the Indian Point Response Plan on May 13, 1982?

21 WITNESS GDANSKI: I think it is very important
22 that you admit this because this would explain to this
23 Board what precipitated our resolution ultimately.

24 JUDGE CARTER: The question was what was the
25 purpose of the meeting?

1 WITNESS GDANSKI: The purpose was the source
2 of comments was members of the public as well as the
3 advisory committee that the Rockland County legislature
4 created to make our recommendations on whether we would
5 sanction the emergency evacuation plan.

6 Now, some of those comments in that public
7 transcript are not just members of the Rockland County
8 staff, in other words, paid employees. There are random
9 comments from members of the public also which you would
10 be excluding if you chose to exclude that exhibit.

11 MS. KESSLER: Your Honor, Rockland Citizens
12 for Safe Energy supports inclusion of this exhibit if
13 only for its value as background information to the
14 entire Rockland County position.

15 WITNESS GDANSKI: One other comment, if I
16 may. Rockland County is one of the four counties
17 affected, and we felt that since we are the most direct
18 municipality in terms of our relations with the general
19 populace, we would provide an avenue for this Board to
20 understand how members of the public feel about the plan
21 who are not able to appear and testify at these
22 hearings.

23 JUDGE SHON: Mr. Thorsen, you characterized
24 your offering of this material as not exactly for the
25 truth of the matters contained therein. I am not quite

1 certain what you mean by not exactly.

2 What use would you propose to make of it, say,
3 in writing proposed findings? Would you actually
4 reference it as matters of fact?

5 MR. THORSEN: Judge, I don't believe that I
6 would, no. I don't believe that that was our intention
7 in attaching it as an Exhibit. It does chronicle a
8 report by each of the department heads of Rockland
9 County who were involved in the March 3 radiological
10 response drill and to that extent I believe that it does
11 reflect critical statements by our county employees as
12 to the results of the drill. Many of those comments are
13 going to be reinforced by witnesses who will be
14 presented by Rockland County. There were many other
15 people and many other items that came out which I cannot
16 vouch for, I don't believe Mr. Gdanski can vouch for
17 either. Consequently, I don't believe that this
18 document can be introduced for the total truth of every
19 statement made therein, but as indicated by a number of
20 representatives here, including myself, it certainly
21 does provide a valuable insight into the background of
22 Rockland County's actions.

23 JUDGE SHON: What about the material on pages
24 4 and 5 of Mr. Gdanski's actual testimony?

25 MR. THORSEN: Judge, I believe Mr. Gdanski

1 just made a statement that a few key items are included
2 in his direct testimony.

3 JUDGE SHON: I see. Thank you.

4 (Board conferring.)

5 JUDGE CARTER: We will be back in order,
6 please.

7 The ruling of the Board with regard to the
8 proceedings before the -- that is, the public hearing
9 held on May 13, 1982 is that the document will be
10 admitted in the same category as a limited appearance
11 statement and not as evidence itself of the statements
12 contained therein.

13 Now, Mr. Thorsen, if you should ultimately
14 find that under one of the new exceptions in Rule 803
15 that it is admissible, we would further reconsider
16 this.

17 This testimony was initially filed when, Mr.
18 Thorsen?

19 MR. THORSEN: I believe it was June 7.

20 JUDGE CARTER: I think it would have been
21 better if the Licensees had notified Mr. Thorsen that
22 there was an intention to move to strike this because by
23 holding back on your position, you have taken up the
24 time of the meeting needlessly in order to consider this
25 objection. I think that where you have prefiled

1 testimony and there is a large segment of it subject to
2 objection, I think the proper thing to do would be to
3 notify or file a motion to strike at that time so we
4 don't have to do it during hearings and be taken by
5 surprise with a rather difficult question of evidentiary
6 law.

7 MR. CZAJA: Judge, may I respond to that?

8 JUDGE CARTER: It is not necessary.

9 MR. CZAJA: Judge, just for the record, we
10 relied on Judge Shon's statement at page 1279 of the
11 transcript that we could object to such testimony at the
12 time the witness appears.

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1 JUDGE CARTER: You can always object when the
2 witness appears, but I think you use that in order to
3 speed the hearing up. It would have been better had you
4 notified earlier. Under one of the objections in Rule
5 803, if Mr. Thorsen wanted to get in under that
6 exception, he would then have to file it in that manner
7 each time you could have made your objection.

8 MR. CZAJA: Judge, we felt we were adhering to
9 the Board's wishes. If we were in error, I am sorry.

10 JUDGE CARTER: No, I am not saying -- I said
11 it would be better in the circumstances if you could
12 give prior notice so we don't take up the hearing time
13 with these technical legal matters. That is all I am
14 saying. I did not say you were in error.

15 MR. CZAJA: Thank you.

16 JUDGE CARTER: Mr. Thorsen, proceed.

17 MR. THORSEN: Thank you, Your Honor. Rockland
18 County is satisfied with the Board's ruling.

19 MR. CZAJA: Judge, just for the record, may we
20 have an answer to our objection and to our motion in
21 regard to the question on Pages 4 and 5?

22 MR. THORSEN: Judge, I wasn't aware of the
23 motion regarding Pages 4 and 5.

24 JUDGE CARTER: What was your motion?

25 MR. CZAJA: Our motion was that the question

1 and answer on Pages 4 and 5 should be stricken for the
2 same reason as Exhibit B, because the answer to the
3 question is just a further paraphrase of Exhibit B.
4 Exhibit B now having been ruled to have the status of a
5 limited appearance statement, which I think is a proper
6 characterization of it, the question and answer
7 appearing on Pages 4 and 5 of Mr. Gdanski's testimony
8 should have the same status.

9 JUDGE CARTER: I think that Mr. Gdanski as a
10 public official can state what he understands to be the
11 facts though the statements themselves may not be of
12 record. They may serve to refresh his recollection, but
13 he can state what he knows of his own knowledge. I
14 think if you --

15 MR. THORSEN: Judge, in addition, Mr. Gdanski
16 is in the nature of an employer of all of these
17 individuals, being a member of the Rockland County
18 legislature, and as such, and being a supervisor, all of
19 these employees are under duty to report to Mr. Gdanski,
20 and Mr. Gdanski is acting in effect as a super
21 administrator issuing these statements.

22 There is one additional point under Mr.
23 Czaja's line of reasoning. Every time a point needs to
24 be made, the individual who did that exact investigation
25 can make a statement under oath, we would have a

1 multitude of witnesses to enforce each minor point. It
2 would be an impossible situation.

3 JUDGE CARTER: The difficulty arises from the
4 fact that I am not -- that is why I said to you earlier
5 in some authority -- I don't know of any precise case on
6 point where it was allowed in. That is, testimony of a
7 public hearing in connection with some proposed action
8 of the legislature. On the other hand, what makes the
9 problem difficult is that this person, as you state, I
10 have no reason to doubt your word, but it is his
11 responsibility in the sense that he is making an
12 investigation, even though we have people who work for
13 him, so it is a very difficult question of evidence, but
14 I think the witness can testify as to reports he has
15 received in the course of his duties. As to the hearsay
16 quality of the individual statements, I think that in
17 the view of the Board, subject to objection, but after
18 having made his investigation and having reached certain
19 conclusions, I think he can testify as to what his
20 understanding of the facts was, and on the basis of
21 whatever action he took.

22 MR. CZAJA: Judge, the question does not ask
23 for his conclusions. It specifically asks him to
24 provide hearsay testimony with regard to "specific
25 points raised by the participants in that second

1 meeting."

2 JUDGE CARTER: Well, you could clarify your
3 objection. Instead of referring to the pages, refer to
4 a question.

5 MR. CZAJA: It was Page 4, the one full
6 question that begins a little further than halfway down
7 the page. Question: What were some of the specific
8 points raised by the participants in that second meeting
9 of the Rockland County legislature subcommittee to
10 review the Indian Point emergency response plan. So the
11 question clearly calls for hearsay, not for conclusions
12 of his investigation, and that is what you would get in
13 his answer.

14 JUDGE CARTER: I don't think that is hearsay.
15 I think he can say questions were raised as to certain
16 subjects. Now, the quality of the answer, the
17 refinement would be the essence of the answer, but if
18 the question is, what are the points raised, points to
19 me mean questions, subjects. I think that that would be
20 proper, to ask that. I am not saying that the
21 characterization of the answer. I would prefer in view
22 of the objection that the question be asked, that the
23 answer be given by the witness orally rather than as the
24 direct testimony is given. I think he is allowed to be
25 asked, in your capacity as a legislator, what problems

1 came to your attention.

2 Now, whether the opinion of those problems is
3 correct or not, that is another story. I think he is
4 allowed to ask the question as to what issues were
5 raised. Can you answer that question? What are the
6 issues?

7 WITNESS GDANSKI: Yes. I would agree with
8 Your Honor's characterization of the points. Basically,
9 it was the generic word used in that instance to
10 describe the litany of questions and answers raised. I
11 can again repeat and list those.

12 JUDGE CARTER: What are the categories of the
13 issues that were raised rather than the substantive
14 testimony?

15 WITNESS GDANSKI: The questions raised -- the
16 issues were insufficient manpower, protection for the
17 workers themselves who would actually have to take to
18 the field, the public notification system, specifically
19 with regard to the sirens and the information pamphlet
20 submitted previously, the equipment itself, meaning the
21 communications equipment as well as the transportation
22 equipment, proved to be or were felt to be inadequate.
23 The EOC, the emergency center itself was within the
24 ten-mile zone, and as such it was not adequately suited
25 to endure the limitations of what it would have to

1 undergo in the event of an emergency. The highways to
2 me are the paramount objection. There was no proof
3 offered that the highways could sustain --

4 JUDGE CARTER: I don't want you to get into
5 that. I asked you merely to list the subjects that were
6 raised.

7 WITNESS GDANSKI: Highways, road conditions,
8 what are the agreements of the various groups that would
9 have to cooperate, such as the ambulance corps and
10 schools and the fact that boundary definitions and
11 admission statements for the respective departments who
12 would have to implement the plan.

13 JUDGE CARTER: Now, you took testimony on this
14 subject?

15 WITNESS GDANSKI: Yes, we did.

16 JUDGE CARTER: Who else was sitting on that
17 panel?

18 WITNESS GDANSKI: The panel was comprised of
19 various departments who would be involved in executing
20 this plan.

21 JUDGE CARTER: The hearing body. Who were at
22 the hearing?

23 WITNESS GDANSKI: The transportation head --

24 JUDGE CARTER: Who was sitting, conducting and
25 presiding at the hearing?

1 WITNESS GDANSKI: At the second hearing --

2 JUDGE CARTER: Well, let's start with the
3 first hearing.

4 MR. THORSEN: Your Honor, I believe, for a
5 point of clarification, we are only talking about the
6 meeting of May 13th, is that correct, of 1982?

7 JUDGE CARTER: I am trying to find out what
8 Mr. Gdanski's responsibility is.

9 WITNESS GDANSKI: I think that would be best
10 answered, I chaired the Rockland County Subcommittee of
11 the Legislature as a whole, which had responsibility of
12 reviewing the Indian Point emergency response plan
13 pertaining to Rockland County and to recommend --

14 JUDGE CARTER: Did you issue a report?

15 WITNESS GDANSKI: The report we issued
16 culminated in a resolution which is attached to that
17 public hearing. In terms of an actual written report, it
18 was the transcript of the public hearing itself that was
19 submitted as our findings, and that led to a resolution
20 that was identified as Exhibit A.

21 JUDGE CARTER: Your hearing concluded and you
22 issued a report or a letter? What happened?

23 WITNESS GDANSKI: Procedurally what happened
24 was, copies of the public hearing were submitted to the
25 members of the legislature, the 20 members of the

1 legislature, and that precipitated a resolution, a draft
2 resolution which was submitted to the legislature
3 formally, and there was subsequent public participation
4 in a half-hour or hour period prior to a formal meeting
5 of the legislature. Discussions were held on the floor
6 of the legislature, and that culminated in Exhibit A,
7 which is our formal resolution of withdrawal.

8 JUDGE CARTER: The chair rules that the
9 printed answer on Page 4, I think it would be simpler if
10 we merely struck the question on Page 4, what were some
11 of the specific points raised by the participants in the
12 second meeting of the Rockland County legislature
13 subcommittee to review the Indian Point emergency
14 response plan, and the answer to that question.

15 Any other objection?

16 MR. CZAJA: No, thank you.

17 JUDGE CARTER: Are you through with the
18 witness, Mr. Thorsen?

19 MR. THORSEN: Yes, Judge, except I would again
20 move for the admission of his testimony with the
21 attachments, with the limitation put on Exhibit B by the
22 Board.

23 JUDGE CARTER: With the limitation with regard
24 to Exhibit B and the striking of the question and
25 answer, the testimony will be attached and be a part of

1 the record.

(The testimony follows.)

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TESTIMONY OF SAM GDANSKI

Q Please state your full name and address.

A Sam Gdanski, 37 Lawrence Place, Spring Valley, New York.

Q Are you employed by the County of Rockland and if so, in what capacity.

A I am in my fifth year as a member of the Rockland County Legislature. I am also the Chairman of the Rockland County Legislature sub-committee to review the Indian Point Emergency Response Plan.

Q What is your educational background and training?

A I am an attorney-at-law, and obtained my juris doctorate from Brooklyn Law School and a Master's in corporate commercial law from New York University Law School. I have been actively practicing law for the last ten years.

Q When did Rockland County first become involved in the issue of nuclear safety in regard to Indian Point?

A These issues first surfaced in early 1979, when I proposed an addition to Rockland County's Health and Sanitary Code, requiring a permitting system for the transportation of nuclear wastes through Rockland County. In connection with that issue, and as a result of Three Mile Island incident, Rockland County began to pay closer attention to the close proximity of Indian Point.

Q At approximately the same time a four county nuclear safety committee was formed consisting of Westchester, Orange, Putnam and Rockland counties, which met periodically to discuss implementation of a radiological response plan for those four counties which surround Indian Point, and funding. Meetings of the nuclear safety committee were held on the average of once

every three months, until approximately one year ago when the county started to work towards the drill which was eventually held on March 3, 1982. I was appointed as the designee of the Chairman of the Rockland County Legislature to the Nuclear Safety Committee, and as I mentioned earlier, I am also Chairman of the Rockland County sub-committee to review the Indian Point Emergency Response Plan.

Historically, the Rockland County radiological emergency response plan which the Nuclear Safety Committee and Rockland County had been dealing with, was the result of Federal requirements imposed upon the operators of the Indian Point facilities. The facilities hired a consultant and an engineering firm, which were Parsons-Brinkerhoff and EDS Nuclear. It is my understanding that the consulting firms physically went through Rockland County and looked at its roads, geographical layout, talked with some of the county departments, and other municipalities, and came out with this plan. There have been a number of revisions to the original draft, but I still find it difficult to believe that they thought this plan could work in Rockland County. Rockland County has never contributed to the funding of the plan, and has never signed off on the books, or otherwise accepted the plan as workable.

Q On May 18 , 1982, the Legislature of Rockland County passed Resolution No. 320 of 1982 entitled "PROHIBITING THE EXPENDITURE OF COUNTY FUNDS OR USE OF COUNTY EMPLOYEES FOR THE FEDERALLY MANDATED ROCKLAND COUNTY RADIOLOGICAL EMERGENCY RESPONSE PLAN FOR INDIAN POINT, BUCHANAN, NEW YORK." What is the

background on that and what does it mean to Rockland County?

A That resolution, which I will refer to as Exhibit "A", came about after the Rockland County Legislature sub-committee to review the Indian Point Emergency Response Plan, met for the second time, subsequent to the March 3, 1982 drill. As I just mentioned, there were two public hearings, one in 1981 and one on March 13, 1982. A transcript of the March 13, 1982 hearing is appended hereto and is referred to as Exhibit "B".

It was the consensus of the participants in the review process that based upon the results of the drill and the plan itself, the Rockland County Radiological Response Plan was not workable and that huge transfusions of money which would correct some of the deficiencies in the plan, would still leave many aspects unanswered and unable to be adequately dealt with. That was why Rockland County's Legislature ultimately passed Resolution 320 of 1982, and took the position that the plan was not workable, could not be made workable regardless of the amount of money put in, and that is why the County Legislature directed the withdrawal of Rockland County from the plan.

In that same resolution, Rockland County did direct its Office of Emergency Services to prepare plans specifically dealing with Rockland County's needs, but it remains to be seen whether any plan can adequately provide for the health, safety and welfare of the citizens of Rockland County. We believe, frankly, that until such a plan exists, and the safety of our citizens and their property can be assured,

that Indian Point should be shutdown. As I said, there are certain inherent problems in the geographical structure of Rockland County which lead me to seriously doubt whether there can be an adequate plan, regardless of the amount of money spent. We are really dealing with two separate stages, one being the situation as it exists, where we require tremendous inputs of funding, in order to bring up our equipment needs to par. The second stage, is that even if we receive all that funding, what do we do with our existing road network, which would most likely prevent the ability to evacuate people in the event of a serious incident at Indian Point. Is it worth the cost and the health hazard and destruction to community property that would be entailed? It seems that all the parties agree that were Con Ed and PASNY to attempt to open the Indian Point Facility today, they would not be granted a license because of the population surrounding Indian Point.

Q What were some of the specific points raised by the participants in that second meeting of the Rockland County Legislature sub-committee to review the Indian Point Emergency Response Plan?

A The participants in that meeting were the Rockland County Departments who actually had a hand in the March 3rd drill. In addition, a draft of the FEMA Report assessing Rockland County's participation in March 3rd drill was also introduced. If I may list some of the departments, they are that:

1. The mission statements of many of the local agencies do not reflect the true concepts of their functions. For example 4

mission statement of the county fire service is to provide emergency medical transport services, but only one or two of the fire departments in the county are capable of providing such transport services.

2. The boundary definitions and descriptions do not always match up with the maps.
3. There are no letters of agreement in areas required for ambulance corps, schools that require it for congregate care or reception centers, bus companies, or the State of New Jersey.
4. Highways that are defined as a primary evacuation routes are inadequate to handle projected volumes of traffic.
5. The Rockland County EOC is inadequate to serve in that function, and is located within the 10 mile EPZ.
6. Communication equipment, and vehicle transportation are inadequate.
7. Public notification has proven to be inadequate.
8. No provisions have been made for the protection of emergency workers.
9. Insufficient manpower.

Q Do you have any closing comments?

A As long as the Indian Point facilities exist, whether they are operational or not, they pose a danger and a threat to the health and safety of Rockland County. While Rockland County will do everything within its power to protect its residents, there is no emergency plan which can be adequate or sufficient to fully protect the health and safety of all of our people. Even with tremendous infusions of money, equipment, and manpower, the roadway network in Rockland County is incapable of insuring a rapid evacuation if necessary.

ADDITIONAL TESTIMONY OF SAM GDANSKI ON BEHALF OF ROCKLAND COUNTY:

Q. Do you wish to comment on Resolution 321 of 1982 of the Rockland County Legislature?

A. Resolution No. 321 of 1982 was passed by the Rockland County Legislature on May 18, 1982. I have attached a copy of that resolution to my testimony as Exhibit "C". Resolution No. 321 of 1982 urged that the Nuclear Regulatory Commission immediately suspend the operating licenses of the Indian Point nuclear facilities.

Q. Since the submission of your testimony in early June of 1982, has the Legislature of Rockland County promulgated any additional resolutions concerning Indian Point and radiological preparedness?

A. The Legislature has acted twice. I attach to my testimony as Exhibit "D" Resolution No. 430 of 1982 in which the Legislature of Rockland County declares its support for the motion by the Union of Concerned Scientists/New York Public Interest Research Group, Inc. to show cause why the licenses for the Indian Point power facilities should not be revoked and directing the immediate suspension of the operation of said nuclear power plant. This was a natural follow-up to Rockland County Legislature Resolutions No. 320 and 321 which are appended to my testimony as Exhibits "A" and "C", which withdrew Rockland County from the Radiological Emergency Response Plan, as it existed on March 3, 1982, and further urged the Nuclear Regulatory Commission to immediately suspend the operating licenses of the Indian Point Nuclear facilities. The purpose of Resolution No. 430 was to further notify the Nuclear Regulatory Commission that the Rockland County Legislature wants the Indian Point Nuclear Power facilities shut down.

Resolution No. 473 of 1982 which is annexed hereto as Exhibit "E" establishes a Citizens Advisory Committee to review Rockland County's own Nuclear Evacuation and Preparedness Plan and a General Disaster Preparedness Plan, which was directed to be formulated under Resolution No. 320 of 1982. As I stated earlier in my testimony, the Legislature of Rockland County does not believe that any plan can adequately provide for the health, safety and welfare of the citizens of Rockland County, but we do, of course, recognize the need for emergency preparedness in connection with the Indian Point Nuclear power facilities.

9.C.1.a

Introduced by:

Hon. Herbert Reisman
Hon. Kenneth Ingenito
Hon. Sam Zalman Gdanski
Hon. Edward Gorman

Referral No. 6675
May 18, 1982

RESOLUTION NO. 320 OF 1982
PROHIBITING THE EXPENDITURE OF COUNTY FUNDS
OR USE OF COUNTY EMPLOYEES FOR THE
FEDERALLY MANDATED ROCKLAND COUNTY RADIOLOGICAL
EMERGENCY RESPONSE PLAN FOR INDIAN POINT,
BUCHANAN, NEW YORK.

WHEREAS, Consolidated Edison of New York (hereinafter referred to as "Con Edison"), and the Power Authority of the State of New York (hereinafter referred to as "PASNY"), each operate nuclear electrical generating facilities at Indian Point, Buchanan, New York, and

WHEREAS, there are substantial inherent risks in the operation of the nuclear electrical generating facilities which pose threats to the health, safety and welfare of the citizens of Rockland County, and

WHEREAS, there have been numerous violations of safety requirements of the Nuclear Regulatory Commission at the Indian Point power facilities which pose substantial threats to the health, safety and welfare of the citizens of Rockland County, and

WHEREAS, there are more people located within a ten-mile radius of the nuclear electrical generating facilities at Indian Point than within the ten-mile radius of any other nuclear electrical generating facility in the United States, and

WHEREAS, it has been publicly acknowledged by the Nuclear Regulatory Commission members that present safety standards would prohibit the erection of nuclear generating facilities at or near the existing location of the Indian Point power plants, and

WHEREAS, the Nuclear Regulatory Commission has promulgated a regulation which requires the development and implementation of a Radiological Response Plan for all residents within an arbitrary ten-mile radius of each plant, and

(continued on other side)

Philip "A"

WHEREAS, Con Edison and PASNY have developed, through the use of independent contractors, with the State of New York, a Radiological Emergency Response Plan for the inhabitants of the four counties who reside within an arbitrary ten-mile radius of the Indian Point nuclear facilities, and

WHEREAS, the aforesaid counties include the Counties of Rockland, Orange, Westchester and Putnam, and

WHEREAS, the Radiological Emergency Response Plan for Rockland County is unsatisfactory in that Rockland County has not been provided with sufficient communication equipment to inform public officials of safety hazards; sufficient warning devices to inform the general public of danger; and adequate training for the personnel required to implement the plan, and

WHEREAS, the existing roadway system of Rockland County is totally inadequate and would be unable to accommodate the safe and timely evacuation of the citizens of Rockland County within the affected area, and

WHEREAS, Rockland County officials, as well as officials of the Federal Emergency Management Agency (hereinafter referred to as "FEMA"), have criticized the Radiological Emergency Response Plan for Rockland County, and

WHEREAS, the County of Rockland has made a good faith effort, expended funds, and used its employees in an attempt to develop the aforesaid Radiological Emergency Response Plan for the inhabitants of Rockland County, and

WHEREAS, the County's continued participation in the Radiological Emergency Response Plan will require the continuous expenditure of County funds and personnel hours with little or no protective benefit to the citizens of the County of Rockland, and

WHEREAS, the Executive Law of the State of New York authorizes the County of Rockland to prepare a Disaster Preparedness Plan, and the County of Rockland, through its Office of Emergency Services, has and will continue to develop such plans as may be necessary to insure the health, safety and welfare of Rockland County citizens from all contingencies, and

WHEREAS, the Multi Services Committee of this Legislature has met, considered and approved this resolution, now, therefore, be it

RESOLVED, that the Legislature of Rockland County hereby authorizes, empowers and directs the Office of Emergency Services to continue to develop, in cooperation with our volunteer services, school officials, Department of Social Services, Department of Health and such other County departments as may be requested, a Disaster Preparedness Plan for Rockland County, which program shall be funded by the County of Rockland, and be it further

RESOLVED, that the Legislature of Rockland County further directs the County Office of Emergency Services to develop a plan in response to a potential nuclear

May 18, 1982

accident occurring at the Indian Point Facilities and to utilize all sources of information in preparing such plan for the maximum protection of the citizens of Rockland County, such plan to be presented to the Legislature of Rockland County by December 31, 1982, and be it further

RESOLVED, that the Legislature of Rockland County hereby authorizes, empowers and directs the Office of Emergency Services, the Treasurer of Rockland County and/or the Chairman of the Legislature of Rockland County to pursue and accept all Federal and State monies, equipment and personnel training in connection with Rockland County's own Disaster Preparedness Plan and the Rockland County Nuclear Evacuation and Preparedness Plan for the purposes aforescribed, and be it further

RESOLVED, that the Legislature of Rockland County hereby prohibits the use of Rockland County employees or the expenditure of Rockland County funds in any manner concerning the further development of the Federally mandated Radiological Emergency Response Plan for the nuclear electrical generating facilities owned and operated by Con Edison and PASNY at Indian Point, Buchanan, New York, and be it further

RESOLVED, that the Legislature of Rockland County hereby directs the Chairman of the Rockland County Legislature not to assist FEMA, Con Edison and PASNY, their agents, servants or employees, in any manner concerning the further development of the Federally mandated Radiological Emergency Response Plan for the nuclear electrical generating facilities at Indian Point, Buchanan, New York, and be it further

RESOLVED, that in the event of a nuclear occurrence at the Indian Point Facilities, the Legislature of Rockland County hereby authorizes, empowers and directs its Chairman, notwithstanding this resolution, to take any and all action in coordinating and cooperating with any and all Federal and State agencies to protect the lives and property of the citizens of Rockland County, and be it further

RESOLVED, that the Legislature of Rockland County hereby requests the chief executive officers of the legislative bodies of the Counties of Orange, Westchester and Putnam to adopt similar resolutions prohibiting the use of their county employees or the expenditure of their respective county funds for the planning, development or implementation of Federally mandated nuclear Radiological Emergency Response Plans for the nuclear electrical generating facilities owned and operated by Con Edison and PASNY at Indian Point, Buchanan, New York and be it further

(continued on other side)

RESOLVED, that the Clerk to the Legislature of Rockland County be and she hereby is directed to send a copy of this resolution to Senators Alphonse D'Amato and Daniel Patrick Moynihan; Congressman Gilman; the Majority and Minority Leaders of the United States Senate and House of Representatives; Hon. Hugh L. Carey, Governor of the State of New York; Hon. Linda Winikow and Hon. Richard Schermerhorn, New York State Senators; Hon. Thomas Morahan and Hon. Eugene Levy, New York State Assemblymen; the Majority and Minority Leaders of the New York State Senate and the New York State Assembly; the chief executive officers of the Counties of Westchester, Orange and Putnam; the officials of PASNY, FEMA, NRC and Con Edison; and to such other persons as the Clerk, in her discretion, may feel proper in order to effectuate the purpose of this resolution.

MLP/bcm/mbr

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COUNTY OF ROCKLAND : STATE OF NEW YORK

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Public Hearing before the COMMITTEE :

TO REVIEW INDIAN POINT RESPONSE PLAN :

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Legislative Chambers
County Office Building
Thursday, May 13, 1982
3:20 P.M.

P R E S I D I N G

SAM ZALMAN GDANSKI,

Committee Chairman

Present:

MARC L. PARRIS, ESQ.,
County Attorney

BY: ERIC OLE THORSEN, ESQ.,
Assistant County Attorney

Robert J. Cummings, C.S.R.

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NEW CITY, NEW YORK 10956

[914] 634-1200

Exhibit "B"

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2 MR. CHAIRMAN: The meeting will come to order. This
3 is going to be a public hearing and the purpose of tonight's
4 meeting is an assessment of Rockland County's participation
5 in the recent radiological emergency response plan and this
6 particular committee is made up of the staff of the Rockland
7 County governmental complex. Basically the various department
8 heads would be involved in any potential response plan. The
9 plan itself has gone through several stages, at least three
10 or four different stages.

11 Back, I would say about a year and a half, maybe
12 two years now, the plan was initially drafted by consultants
13 retained by PASNY and Con Ed. Next were the requirements
14 imposed by the Nuclear Regulatory Commission in the wake of
15 the Three Mile Island incident that all plants within a
16 certain mile radius have a plan in effect.

17 After various reviews of the different drafts, our
18 County has gone on record as noting various deficiencies in
19 the proposed draft itself. There are very strong criticisms
20 of the conceptual idea of whether a plan of this sort can
21 actually be ever carried to fruition because the plan we felt
22 at various stages of review did not really take into account
23 what traffic conditions would be like on a given Sunday after-
24 noon in the middle of July when there are thousands of people
25 commuting up to Rockland County to use our state facilities,

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2 nor did it duly take cognizance of the various health
3 facilities that the County has or the needs of our handicapped.

4 Now, the purpose of tonight's review is an assess-
5 ment by the departments who actually participated in the
6 drill of recent date as well as a FEMA report which was in
7 the draft stage by the Federal government assessing Rockland
8 County's participation. Our purpose primarily, the committee's
9 purpose was established to get the best possible plan into
10 existence during the few years and to determine what actions
11 Rockland County should take vis-a-vis participating in the
12 plan, getting the best possible plan and determining in fact
13 if there is a plan that is workable, that is feasible, that
14 is practical, that it can be carried through and followed
15 through in the event of an actual emergency.

16 It is my understanding that the Nuclear Regulatory
17 Commission has taken the position that in the event there is
18 not an acceptable plan they will use that as one element in
19 their considerations of whether the two licensees shall retain
20 their license and continue to operate those plants. They
21 are separately going on hearings before the Nuclear Regulatory
22 Commission in response to petitions asking that those licenses
23 be lifted.

24 Now, it is my opinion, frankly after sitting in on
25 an informal review of that assessment which we will now

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2 disclose publically, that the criticisms that we have leveled
3 and the comments, the notations that we have made are valid
4 and that given the scenario that this was a specific drill
5 conducted according to a preplan scenario that there really
6 can be no acceptable, workable plan. You have to understand
7 that this was a drill of which the parties knew about at
8 least the day before or probably longer, that they were
9 notified there would be a drill, that it wasn't a drill in the
10 sense of a true drill where no one was notified in advance
11 and told in the middle of the night and instructed to report
12 here to the station and let's carry the plan through. Prepara-
13 tions were made in advance of the drill and as you will note
14 in listening to the assessment by the various departments
15 you will have to realize the framework within which the drill
16 was carried out.

17 Now, I am just going to give you an example of the
18 kind of report that we are going to discuss later on and I
19 don't mean to single out a particular department but, for
20 example, the transportation department when asked to comment
21 on the effectiveness of the drill, our own transportation
22 department who participated in the drill say the transportation
23 portion of the mock evacuation including the dispatching of
24 busses went extremely well during the March 3, 1982 test
25 because the proper planning was done in advance of the need.

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2 But it went on to say the exercise experiment was not relative
3 to an actual situation because the bus operators and drivers
4 that are expected to participate in the exercise when the
5 need actually arises had not been brought into the planning
6 process. So you see a kind of prefatory comment that the
7 plan went well however we never really notified any of the
8 drivers nor have we secured their permission or their co-oper-
9 ation or their agreement to actually participate in a drill
10 or an actual emergency should it ever occur. So you have
11 to understand the framework of how the drill occurred.

12 Now, we are going to go down by department by
13 department. We are going to lead off with Mr. McGuire who
14 will give us his title. He is basically in charge of
15 Rockland County's participation and responsible for an over-
16 all plan. Now, as we go through the various departments,
17 some of whom are here personally tonight, others of whom will
18 have their comments read into the record, we will be for the
19 first time publicly disclosing our own assessment of what
20 occurred and inviting the participation for a limited response
21 from anybody in the audience. A record is being made of
22 tonight's proceeding and that will be available to anyone
23 from the public at a later stage and will be of use to
24 Rockland County in terms of our again on-going assessment of
25 the plan and position that we should take. So we are going

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2 to lead off with Mr. McGuire and he will give you his title
3 and his observations and comments on the March 3 drill.

4 MR. MCGUIRE: Good evening. I am Donald McGuire,
5 Deputy Director of the Office of Emergency Services for
6 Rockland County. What I am going to do is give you a little
7 bit of background as I reviewed the plan and submitted it to
8 the committee and corresponding along with that I am going to
9 give you comments that I prepared for the committee as a
10 result of an in-house critique conducted, I think it was
11 three or four days, after the drill.

12 The Indian Point Response Plan and Procedures have
13 been developed within the guideline of Nuclear Regulatory
14 Commission 0654 and other approved standards and criteria by
15 independent consulting firms with expertise in the field.
16 However, it is of the opinion in Rockland County, the plans
17 and procedures are too generic in nature. Many aspects of
18 procedures and plans are contradictory and to date are not
19 acceptable by Rockland County.

20 In reviewing the Indian Point Plans and Procedures
21 the following primary items have been identified as problem
22 areas and are in need of revision. This list cannot at this
23 time be considered complete as reviews of all County agencies
24 have not been completed in depth. Example, the mission
25 statements of many of the local agencies does not reflect the

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2 agency involved to a true concept of mode of operation.
3 Mission statement of the County fire service states among
4 other items that a primary function of the fire service is
5 to provide emergency medical transport services. For those
6 people in Rockland County there is only, I think only one or
7 two fire departments in this County that are capable of
8 providing emergency medical transport services. This was one
9 of the aspects that we are trying to address.

10 The boundary definitions and description does not
11 always match up with the maps produced. Example, ERPA 33
12 map shows location of south boundary of ERPA 33 defined
13 contrary to the definition of the boundary in description of
14 ERPA 33 in the procedures in volume two.

15 No letters of agreement exist in areas required for
16 mutual aid of ambulance corps, schools required for congre-
17 gate care centers reception center, fire districts located
18 within Rockland County. At the time that this was written
19 there were no letters of agreement with any bus companies,
20 no letters of agreement with any school districts in Bergen
21 County in Jersey.

22 The traffic control areas listed in procedures
23 state in many instances traffic light control and in reality
24 only a stop sign exists. Highways that are defined as
25 primary evacuation routes are inadequate to handle projected

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2 volume of traffic. One example comes to my mind and that
3 is Route 306.

4 The following are comments on the March 3rd
5 exercise that were developed by the Office of Emergency
6 Services. The Office of Emergency Services conducted an
7 initial critique of the Indian Point drill of March 3, 1982.
8 The Office of Emergency Services based their critique on ten
9 predefined areas of concern. These areas coincide with the
10 same areas of concern defined by the Federal emergency
11 management agency who conducts and develops the official
12 report on the exercise for Rockland County. The first area
13 that we are concerned with was the emergency operations and
14 facilities. The emergency operations center was considered
15 by Rockland County to be adequate for the purpose of operating
16 for the exercise. The emergency operations center is located
17 in the lower level of the fire training center at Pomona.
18 There was ample room for the agencies. We had adequate status
19 boards, maps in the display room. Areas in which we considered
20 inadequate was the space in the dose assessment room which
21 was occupied by the health department who had to have the
22 duty of making the assessments as they came in from the field
23 and making the advisements to the county executive and to
24 others in the EOC. This room was considered too small. We
25 had inadequate phone service in that particular room and I

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2 can't think of anything else that was necessary to bring out
3 but yes, a very important part, we didn't have what we call
4 the Rex line or the hot line available in that room. We had
5 the Rex line available which is the line from Indian Point
6 to our facility. We have it hooked up presently in the
7 warning point which is also in the lower level but down the
8 hall a little ways in the fire training center and we did
9 not have that availability of the Rex line directly into the
10 assessment room whereby they had to operate off from a
11 speaker and an open telephone line from the facility which was
12 not adequate.

13 Communication equipment both in the field and in the
14 EOC and lack of telephone equipment to accommodate all of our
15 agency personnel was lacking.

16 We had secured two vehicles from the highway depart-
17 ment radio equipped and one of the radios failed about half
18 way through the morning thereby limiting them only to being
19 able to communicate to us by phone.

20 The security of the facility was a minor problem
21 due mainly to the fact that many people were allowed access
22 to the EOC who were press and nonparticipants of the exercise.
23 What I mean nonparticipants, I don't mean the people who came
24 in to see how we were operating, we did have a few people who
25 were upstairs on that particular day and we also had some

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2 people who were from different groups besides the press that
3 fortunately or unfortunately they were allowed access to the
4 EOC but they did not cause us any problem. The security
5 which we will refer to again in the FEMA report, much of
6 the problem that we had was caused by the fact that we did
7 not have ID badges for those people who had to participate
8 in the agencies within the operation center soon enough.
9 We had the ID cards available but we didn't have the means
10 and the resources to make sure that we had those pictures
11 taken and people properly identified before we got them into
12 the EOC so that a little time had backed them up as far as
13 getting them in. The second area, going along with this
14 same format that FEMA used, was alerting and mobilization of
15 officials and staff. We considered this as adequate but we
16 identified the following problems. After receiving the
17 initial warning from the nuclear facility the warning point
18 which is again located at the fire training center must make
19 numerous phone calls to agencies that are being advised. This
20 requires time inasmuch as the radio operator must dial, wait
21 for an answer and announce the message. Many of the staff
22 were en route to their respective agency and this required
23 the radio operator to make several attempts to reach the
24 agency head. At the present time there is no other means
25 available to alert key staff except by telephone for any

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2 emergency and I think we had one person on staff who is
3 reachable by the beeper and a radio. This is not sufficient
4 for an alerting system. The type of disaster involved with
5 the nuclear plant constitutes the need for early warning and
6 notification of personnel.

7 The third area was emergency operation management.
8 The emergency operation management of the EOC was considered
9 acceptable however we identified the following. It was
10 not clearly understood by the operating agencies as to what
11 role the Director and Deputy Director were playing. It was
12 understood that the Chairman of the Legislature was in
13 charge and constantly being advised of the developing
14 scenario.

15 The status boards and the related operating equip-
16 ment did not arrive well enough in advance of the exercise
17 whereby the staff involved could become familiar with posting
18 of the information required. As the exercise progressed
19 this became less developed and became a little ^{bit} clearer
20 to everyone that was there.

21 Updating of information required for effective
22 management of the operation was somewhat slow in being
23 passed on to the operating staff. Messages received by the
24 operation officer had to be disseminated as to their
25 importance and relationship to the involved staff.

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2 The EOC could have used more support staff. Agency
3 heads were involved with notification of outside agencies
4 and making phone calls which could have been handled by
5 support staff.

6 The presence of press and others not involved with
7 the operation of the EOC at times made it difficult to
8 carry out normal routine operation. The ability to carry
9 out briefings for the staff in all areas must be improved
10 whereas all operating staff are aware of decisions being
11 made and requests of all agencies are carried through. This
12 improved as the exercise progressed during the day. What I
13 am relating to is that we have a public address system in the
14 EOC but it only reaches the operations room itself. It did
15 not go into the dose assessment room, it does not go into the
16 area that was being occupied by the Chairman and it does not
17 go into the area that was being occupied by RACES and some
18 of our support staff.

19 Four. Public alerting and notification. I don't
20 think I even need to say anything about that. The public
21 notification of course was supposed to be with the sirens
22 being tripped at a specific time and we have had nothing
23 but problems of course with the sirens. Hopefully they are
24 on the road to recovery and an assessment is being made as
25 to what is going to be done with them and what is going to

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2 take place henceforth. One positive aspect we lofted the
3 county helicopter and simulated making announcements up and
4 down the river and the riverfront of the potential danger.

5 Five, public and media relations. The public and
6 media relation area was considered more than adequate for
7 Rockland County. The County public information officer and
8 staff were on top of the situation at all times both in the
9 EOC and at the news media center. The County public informa-
10 tion officer and staff did an outstanding job on informing
11 the press at the EOC. Only in very limited number of
12 instances did the press become overbearing and had to be
13 reminded of interfering with operation.

14 Six, accident assessment for Rockland County.
15 Rockland County fielded two field monitoring teams. Radio
16 communication for these teams was not considered adequate
17 as one of the teams lost radio communication and had to
18 resort to telephone communication from one point. Of course
19 this hampered their ability to track the plume that was being
20 released or simulated release. The persons assigned to the
21 emergency operating facility at Indian Point were in constant
22 communication through an open telephone line. This tied up
23 one of our telephone lines and we feel it should not have
24 been necessary. We should have either another specific line
25 dedicated for this one purpose or be able to get the

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2 information over the Rex line which we couldn't do. We can
3 get the information but we couldn't respond to it. This
4 caused some problems with the dose assessment team who could
5 not get information as needed from the operation facility
6 also. The dose assessment team did not have access to the
7 hot line connecting the Counties and the plant.

8 Lack of communications equipment was also identi-
9 fied as a problem in the dose assessment area.

10 Seven. Action to protect the public. The
11 capability of Rockland County's agencies involved with
12 protection for the public were reviewed as adequate.

13 The Red Cross demonstrated the ability to set up
14 with Social Services the required congregate care reception
15 center to handle the emergency. Remember this is a simulated
16 emergency that day and the personnel at the Rockland Psychi-
17 atric Center and the Health Complex did a remarkable job in
18 setting up and maintaining personnel monitoring centers for
19 the limited amount of training that we had received previous
20 to the drill. Communication with all field activity again
21 was considered a problem. Bus operators that participated
22 did an outstanding job with the limited amount of training
23 that they had received.

24 All participants in the field exercises are to be
25 commended and it should only improve with additional

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2 training and drills. Additional training and familiari-
3 zation with the response plan and procedure will enhance
4 the capability of all involved with protection for the
5 public. The final decision to evacuate one of the ERPA's
6 that was in question as a precautionary measure which my
7 good friend Dr. Hyman and Jim McGuire fought over with the
8 State Health Department as to whether or not we should do it
9 or shouldn't do it we won out and that was regarded as a
10 very good judgment on their part with the State Health
11 Commissioner and we feel that it was a good move on their
12 part.

13 Eight, health, medical and exposure control
14 measures. This area was regarded as adequate however there
15 was some concern with emergency workers in regard to the
16 use of iodide, potassium iodide as a blocking agent.
17 Additional training of course for emergency workers can only
18 enhance any of the participation in this regard. I even saw
19 in my notes somewhere along the line that food contamination
20 monitoring was even displayed at the EOC. I didn't happen
21 to see that but I happen to pick it up out of the notes so
22 I included it.

23 There was a very limited evacuation of persons with
24 a special health problem from the County Health Complex and
25 that was also I understand very well demonstrated.

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2 Nine. Recovery and reentry operation. This area
3 was difficult to evaluate mainly because of the amount of
4 time that was given for this exercise. We were from one to
5 three days later within an hour and it was very hard to
6 compute what was going on as far as all the different
7 agencies. The people had simulated getting busses back to
8 the care centers and the number of people that they had
9 there and so it was very difficult with the limited
10 amount of time that they were involved with this whole
11 thing.

12 Ten, relevance of the exercise experience. The
13 Office of Emergency Services felt that the experience gained
14 from the exercise was of significant value. It was the
15 first time all agencies in Rockland County had been assembled
16 for the purpose of dealing with a potential disaster of such
17 magnitude. Limited involvement of the police, fire and
18 ambulance reduced the effectiveness of the exercise although
19 even though they were there and they sort of got caught up
20 in the whole involvement as the day went on and of course
21 as you are all aware police agencies out in the field and
22 fire agencies and the ambulance agencies did not participate.
23 We feel that those who did not represent these agencies at
24 the EOC did gain some much needed experience dealing with a
25 large disaster.

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2 The use of the wind shift in the exercise scenario
3 was excellent in the fact that it was quite unique with
4 our terrain and our weather changes.

5 The exercise demonstrated that more communication
6 equipment, more training and other related equipment and
7 other related dose assessment equipment is required of this
8 county if it is expected to effect the protection of
9 Rockland County residents. The exercise identified a great
10 many areas which need revision and correction in the plan
11 and procedures.

12 That is all I have on that.

13 MR. CHAIRMAN: I think you gather that very
14 specific comments are here but again the way I look at it
15 the key point here is the simulation. One example was
16 during the drill for the purpose of conducting the drill
17 announcement was made, let's assume it is two days later, and
18 that is not to mean to me it is not a real test of the
19 conditions under which personnel would react and be able to
20 ensure a situation like that. It is just not realistic but
21 we are going to move onto the health department with Dr.
22 Hyman.

23 DR. HYMAN (Health Commissioner, County of Rockland):
24 I would like to explain that I am involved in two ways, one
25 at the request of the Legislature which since they pass on

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2 my budget it is very important and the other is by state law.
3 By state law I am responsible for the health and welfare of
4 this community and I will take great issue with what is to
5 be judged to be adequate and whoever made that report.

6 Number one, if we had an accident right now we
7 would be just as ill prepared right now as it would be if
8 we didn't have this drill.

9 Number two, I would like to see the Indian Point
10 vanish but as long as it is there and for those of our
11 residents who say that we should not take part in the drill
12 and we should ignore it they are like the proverbial ostrich.

13 Even if Indian Point was closed down there is a
14 period of six years wherein a calamity could develop. The
15 health commissioner at Pennsylvania at Three Mile Island
16 was a fundamentally well trained man. At the time of their
17 accident he took a lot of heat because he didn't have a
18 simple measuring device that I carry in my car.

19 Mr. Chairman, the preparations for this drill were
20 a joke because a lot of the things we used are not even
21 available now. I brought with me for those who want to have
22 real conversation with the men out in the field a great many
23 of my staff and I am proud to say that the reason the
24 health department was involved including the entire staff
25 is because they are dedicated to the health of our community

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2 and that is our job, that is our sworn duty. The people in
3 my department took part, simulated this, simulated that.
4 Can you imagine having to find a telephone booth to make a
5 phone call to tell us what measurements they had in the
6 field? This was when we knew things were going to happen.

7 Mr. McGuire and the health department will probably
8 give you a list of all the technical things we noted. From
9 a philosophical point of view I have to do my best to keep
10 my department prepared to do what we can do.

11 The one comment where some joker up in Albany,
12 somebody said that we did well in evacuation, that too was a
13 judgment that we are prepared to make when we have to.

14 There was no way we could communicate with Orange County
15 and incidentally, Mr. McGuire, when you or any of my staff
16 please do not use initials, EOC and all the rest of that.
17 It may mean something to you or to us but there are people
18 in the audience that don't know that. Use the full term.

19 In the area of Orange County that borders Rockland
20 County according to the purposes of the drill the wind shift
21 pushed the plume, radioactive plume and the purpose of the
22 drill is that we have our people who are volunteers who are
23 out where the action is to take the actual measurements
24 at the ground level to call back to us so we can make an
25 assessment, do we get the hell out of there or such as that

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2 or we advise people to take shelter, whatever we may
3 decide. Since there was no way of us getting the Orange
4 County Health Commissioner we couldn't talk to each other
5 and they told us there was a plume approaching Rockland
6 County and since after 28 years, I am almost a native,
7 knowing what the road situation was like if we ever had to
8 evacuate the people from the northern tip of Rockland
9 County with those roads we would never make it. I would
10 like to advise the chairman, the chairman has full control,
11 we have to get those people out for purposes of the drill
12 and as a safety precaution. He advised all and nobody
13 argued and we insisted and finally they thought it was a very
14 good idea. This is just an example of the horrendous things
15 that will probably happen should Indian Point really go.

16 They are not prepared to give us the materials
17 which were promised on April 1st, that the State would
18 collect monies and they would buy stuff and we would get our
19 communications equipment, money for training, et cetera.
20 The boys back in the hills would say we ain't seen nothing
21 yet. This is in the middle of May and there is no informa-
22 tion that we are going to get a nickle or a dime and of
23 course you know we have submitted to you what the costs of
24 my department are and I am broke, I can't afford it.

25 Now, I have people here tonight, Mr. McGuire and

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2 myself, who were in the so-called assessment room where we
3 had three medical people. We were supposed to get the
4 information by radio and advise the chairman about this.
5 Now I am not making comments or criticising any other
6 department, I am only telling you that as far as the health
7 department is concerned we should be prepared. It is our
8 duty to be prepared and we are not prepared. Thank you.

9 MR. CHAIRMAN: Dr. Hyman, maybe you can just
10 identify the people in the audience?

11 DR. HYMAN: Will the health department gang please
12 stand up. Mrs. King is our propagandist, Ms. Quinn is one
13 of our engineers out in the field, Mr. Hornberger is an
14 engineer on the field. These are people who we feel were
15 out there and they are dedicated people and it was a
16 miserable day. Did you ever try to empty your bowels and
17 have no place to go and knock on the door and say, hey, can
18 I use your phone. Imagine us relying on a phone booth, not
19 to move our bowels, but to make a phone call. This is
20 horrendous.

21 Now, we are just the same way today after this
22 wonderful drill which we had, probably worse because I don't
23 know where the equipment is which they are supposed to have
24 unless they are at Mr. McGuire's office and there hasn't
25 been one further day of training. I am not going to have

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2 my gang do any training unless I have the funds to pick it
3 up. I am lucky to keep rodents under control much less
4 have more time for this. We need the time, absolutely and
5 so long as Indian Point is there even if your committee goes
6 against it by state law I have to do whatever I can, Mr.
7 Chairman, and if you can make Indian Point vanish I would
8 be delighted.

9 MR. CHAIRMAN: There is another Mr. McGuire from
10 the health department who should be identified.

11 MR. JAMES MCGUIRE: My name is Jim McGuire and I
12 am a radiological health specialist in the Rockland County
13 Health Department. It is my responsibility with Dr. Hyman to
14 make an assessment for the County and to recommend to the
15 chairman what response the County would take in a case of
16 accident.

17 As far as the operation center was concerned what
18 we thought was adequate space and planning although our
19 facility turned out to be totally inadequate and the space
20 was too small and we didn't have enough people to fill the
21 responsibilities that we had in EOC, the Emergency Operation
22 Center itself. The problems were cited such as paying too
23 much time contacting hospitals and nursing homes including
24 the responsibility of the health department in the case of
25 an accident. We only had two phones available. In the

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2 situation of an accident today we have a computer terminal
3 that would give us radiological data during the drill and
4 we were not allowed to use the computer because of problems
5 of programming the computer to simulate the drill conditions
6 and also we would have had no phones left available in our
7 accident assessment room if we had to use a computer since
8 a computer requires one phone line and we had one phone line
9 open to the emergency operation facility at the reactor site.
10 There was one of our engineers in the emergency operation
11 facility feeding us information as it became available.

12 The Rex line or hot line as it is likewise known,
13 the New York State hot line for radiological emergency was
14 not available to us in the accident assessment room. It
15 was my understanding that the accident assessment teams
16 would have communications through the Rex line and eventually
17 it turned out that the accident assessment teams, for
18 example, of the state were not communicating over the Rex
19 line but over land lines and the facility was basically
20 using the Rex line to feed their information out to the
21 county as the situation progressed.

22 Now, we had one of our technicians sitting at this
23 speaker that we had in the accident assessment room and he
24 was trying to hear what the speaker was saying while he had a
25 secretary next to him typing and another person on the phone

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2 next to him and another person behind him on the telephone
3 and the two of the engineers including the assistant
4 commissioner and myself and the associate public health
5 engineer communicating and trying to come up with the
6 diagnose of the assessment and come/^{up}with a decision to
7 recommend with the commissioner to the Chairman of the
8 Legislature. The room again was so small that the gentleman
9 had difficulty hearing what was coming over the Rex line and
10 a number of times the wrong information was transcribed.
11 We had to step back and ask the radio room people if they
12 would also monitor the hot line and send us a copy of
13 anything that came from there and then we had the New York
14 State Office of Emergency Services calling us on the only
15 phone we had to also notify us of what was going on over the
16 hot line. Eventually because of the delay from those two
17 situations we had to ask the facility to call us as soon as
18 they had completed making the announcement on the hot line so
19 that we can get the information as soon as possible.

20 The communications for the monitoring teams I must
21 admit we hedged a little bit in this situation because we
22 made previous arrangements to use vehicles of the highway
23 department which were picked up by members of the monitoring
24 teams approximately an hour previous to the actual appearance
25 of the scenario. As far as communications with the

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2 responding people we do not have any capabilities of
3 contacting monitoring teams or the assessment teams other
4 than by telephone lines.

5 I, myself, reported to work at 8:15 in the
6 morning and then I received a phone call from the radio room
7 that the drill was in progress. If that had been a normal
8 day I would have been en route at that time and they would
9 not have been able to get a hold of me.

10 The status board as Don McGuire pointed out there
11 was a broken radio that we had and it was starting to back
12 up and this occurred in one of the vehicles that we did
13 borrow and to my knowledge it would have also been a problem
14 with the location of monitoring team being that they were
15 down by the river but this had yet to be determined. The
16 status board equipment that we had in ^{the} accident assessment
17 room as it was doing the manual assessments rather than using
18 any of the computer information was very difficult because
19 the information was coming over the Rex line and because of
20 the number of supplies and informations that we had to rely
21 on sometimes we would get reports or more recent reports
22 before the later information would come in. For example, we
23 would get a report at 11:15 and then two minutes later we
24 would get a report of a message that had been delivered at
25 11 o'clock and to determine which was the current information

1
2 was of some difficulty for us.

3 The tie line to the emergency operation facility
4 with our engineer was the best source of information we had
5 and it also proved to be of some difficulty because we could
6 not have one person sitting for the eight hours with that
7 phone in his ear in the field emergency operation center and
8 the other engineer sitting with the phone in his ear at the
9 emergency facility at the reactor. So there were a number
10 of times where we were unable to contact him because he was
11 trying to get the technical information that we needed and
12 this was pointed out at RC that maybe we should hang the
13 phone up and our concern was that if we did hang the phone
14 up or an actual accident that there would be so many phone
15 calls going over the line that once you disconnected those
16 lines we may not have been able to establish communication
17 with them and then when the plume did shift we were unable
18 to obtain technical data as to what weather patterns or
19 conditions caused the shift in the plume so that we could
20 use that information to augment our decision on evacuation.

21 The question of the potassium iodide was not
22 raised to myself during the accident. It might have been
23 raised to Dr. Hyman.

24 DR. HYMAN: May I answer that, Mr. Chairman?

25 MR. CHAIRMAN: Please.

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2 DR. HYMAN: Potassium iodide has been used in
3 medicine probably for thousands or more years for various
4 things. However its usefulness in a nuclear accident is
5 still under great debate. In the State of Tennessee they
6 have issued potassium iodide supplies to various pharmacies,
7 et cetera. The State of New York is debating the value of
8 it if such could be used. It was only a couple of weeks
9 ago that I inquired of the state specialist as to the study
10 of potassium iodide which may deteriorate, get lost, various
11 other things. We will keep the chairman informed until the
12 state comes down with any recommendations.

13 The purpose of our drill, we didn't even consider
14 it and I don't know whether the emphasis was on the evacua-
15 tion part of the drill which is the very last resort that
16 there may be other things that might be suggested such as
17 taking shelter in various ways.

18 I want to point out, Mr. Chairman, that Mr.
19 McGuire's report does not fully support the facts that even
20 though we knew there was a drill and even though we knew
21 it was coming and even though that we were somewhat emotion-
22 ally ill prepared for it that the results of the drill were
23 horrendous.

24 Now, we do have I think it would be of interest to
25 you and the media to actually just pick at random, and this

1
2 is not a stacked group here and ask them what did you do,
3 how did you feel about it, where would you be if we have
4 an accident at eight o'clock tomorrow morning, would you be
5 able to get and do what you did for the purpose of the
6 drill and you would be amazed and these are dedicated
7 people.

8 We have Mr. Porcelli, and how many in our department
9 volunteered for this, it was about 20 some odd number?

10 MR. PORCELLI: 22.

11 DR. HYMAN: These people have to make up their
12 work, they had to make up those inspections et cetera to kill
13 that time and this is an indication that they are dedicated
14 and you might just randomly ask what was your job, how did
15 you do, what would happen if we have an emergency tonight.

16 MR. CHAIRMAN: Since you mention Mr. Porcelli,
17 we will ask Mr. Porcelli for the benefit of his views.

18 MR. PORCELLI: I am not probably the best example
19 because I was in the emergency room.

20 MR. CHAIRMAN: Let's get somebody from the field.

21 DR. HYMAN: Mr. John Parnell. He is our solid
22 waste engineer and if you look at him he is a substantial
23 citizen. Nobody has been coached and I am sure you will get
24 an honest answer from any question you ask.

25 MR. CHAIRMAN: Tell us what you did that day and

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2 whether you would be in a position or able to do that if we
3 had an emergency tomorrow morning.

4 MR. JOHN PARNELL: Well, I guess I would be in
5 the position and able to do it if we had the emergency
6 tomorrow morning. The problem is would it be the best way
7 to respond and I rather doubt it. We had difficulty I guess
8 the moment we pulled away from Summit Park. In the vehicle
9 provided by the highway department it was our plan to
10 contact the emergency assessment center as we were pulling
11 away, let them know that we had checked out all our equipment
12 and then was going out to a designated sampling point. We
13 turned the radio on and fooled with the squelch, tried to
14 eliminate the static and found that all it was was a static
15 generator. We could not get through. Apparently it was some
16 short in the wiring and was hanging down rather like spa-
17 ghetti, wasn't it? So obviously there was a short in it and
18 this was apparently of long standing and it did not happen
19 recently and we just had the misfortune to get it that
20 morning. It was a pick-up truck and I would say rather
21 secure for the instruments and everything. They did receive
22 a lively ride, I guess that would be the best way to describe
23 it but if there were any delicate jeweled instruments there
24 I don't know how they would have survived but there was some
25 cushioning in the box itself but I would say it was a rather

1
2 bumpy ride. So we realized what we were up against and we
3 tried periodically during the day to resurrect the radio
4 to no avail and at that point we collected change and then
5 got to the nearest public telephone and from there we were
6 able to make our reports and periodically let the center
7 know what our readings were but obviously it was not a good
8 day to start off with.

9 MR. CHAIRMAN: Thank you.

10 MR. JAMES MCGUIRE: I have to point out that they
11 accidentally picked a telephone that would have been closest
12 to the plume when any wind changed but they wouldn't have
13 known that and we wouldn't have been able to tell them
14 because they were working with the equipment and it was
15 a pay phone inside the Bear Mountain Inn. The question on
16 the equipment and the precautionary measures for evacuating
17 ERPA 29, emergency operation planning, emergency response
18 area 29 which is around the Tomkins Cove area received a
19 great deal of confusion because we had our information in
20 the assessment room and the chairman has his information
21 coming over the executive hot line which was tied up in
22 Albany with military and naval affairs I believe and it
23 seemed that they had a different opinion or idea of the
24 severity of the situation and they were in communication with
25 their state accident assessment team who were located in

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2 another section of their emergency operation center. It
3 appeared at times that Mr. Grant was getting technical data
4 that we had not received over his executive hot line. I
5 don't know whether they were reading ahead in this area or
6 whether their communications were just better than ours but
7 it seemed that at times when I went in to tell Mr. Grant that
8 something had happened he already knew about it and was
9 asking me what we were going to do about it.

10 Now, the last two problems we had or we would have
11 if we tried to implement this part of the drill is the
12 simple fact that we manned two monitoring teams consisting
13 of six members in the department and the plan calls for 12
14 monitoring teams. We only had two sets of equipment which
15 are on loan from the utility. The federal agency criticized
16 our equipment because of the ranges that it had, the air
17 sampling had a different type of cartridge than they would
18 prefer and the meters that we had were of the larger magnitude
19 in range with civil defense meters which were out of date
20 as far as their calibration data were concerned which we had
21 to borrow from Don McGuire's department. The decontamination
22 teams which were placed in the field, the one team that we
23 had for the general public consisted of two of our people
24 at Rockland Psychiatric Center with a great deal of assistance
25 from the Rockland Psychiatric Safety Police. They actually

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2 did the physical work and our people did the observation,
3 observing that they were doing the proper work and the
4 clerical data which goes on with monitoring in a radiological
5 situation. The plan actually called for items at these
6 centers and we had one for the emergency worker at the
7 decontamination center. The decon center was located within
8 the ten mile radius but the state had requested that it be
9 as close to the emergency operation center as possible and
10 we had, I believe, it was six of our people there and they
11 also had meters that were out of calibration and everybody
12 had dosimetry on them which measures the amount of radiation
13 that they are exposed to and the dosimeters were also out of
14 calibration and were not of the range that the federal and
15 state would have preferred us to have.

16 MR. CHAIRMAN: We have Mr. Thorsen, an assistant
17 county attorney handling these matters and he is going to
18 read the sheriff's report. Unfortunately they are tied up
19 today due to the Brinks trial.

20 MR. THORSEN: This was submitted by Sheriff
21 Goldrick.

22 "The following are observations made during the
23 Nuclear Evacuation Drill on March 3rd, at the Fire Training
24 Center:

25 "1. The plan must include a system of coordination

1
2 on the development of a liaison with the chiefs of police.

3 "2. A fire service as designated Fire Police
4 Officers. What kind of assistance can be expected from a
5 Fire Police Officer?

6 "3. An agreement should be reached defining the
7 point at which a general call-up of the police service
8 should be made.

9 "4. There is need for a direct link, via telephone,
10 of all police agencies. This would be a back-up phone
11 system in the event of a communication breakdown.

12 "5. Consider the possibility of paging devices
13 for key police personnel.

14 "6. Designate the priorities for the use of a
15 helicopter.

16 "7. Develop a plan for evacuation of County
17 personnel with consideration for the protection and security
18 of County property and records.

19 "8. The Sheriff's Department Corrections Division
20 will design a secure evacuation of the jail.

21 "9. Consider throw-away protective gear for
22 police personnel; example - coveralls, special boots and
23 hats.

24 "10. Recommend that the chairman discuss with the
25 sheriff how these major decisions will effect police

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2 personnel; example - call-up of National Guard.

3 "11. I foresee monumental problems with the
4 ability of the police to deny access to contaminated areas.
5 The public should be made aware of the location of reception
6 centers.

7 "12. Clarify command responsibilities between
8 State Police and County Police agencies.

9 "13. Specify a Police Headquarters location in
10 de-contaminated areas for police personnel.

11 "14. Define the mission of the National Guard.

12 "15. Specify open areas at various points in the
13 county as staging areas for the National Guard.

14 "16. Recommend that the National Guard Commander
15 exempt local police officers, who are also members of the
16 National Guard, from call-up service during an emergency.

17 "17. Clarify the assignment of dosimeters for
18 police personnel.

19 "Finally, from a police point of view our major
20 concerns center on the lack of an effective communication
21 system, insufficient manpower and equipment."

22 MR. CHAIRMAN: Thank you. We also have two brief
23 reports which Mr. Thorsen will present from the Transportation
24 Department and the Department of Social Services and then
25 we will move on to the Federal Emergency Management agency

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2 report.

3 MR. THORSEN: This is submitted by Leonard Spiegel,
4 Transit Administrator and it is dated March 30.

5 "The transportation portion of the mock evacuation
6 including the dispatching of buses went extremely well
7 during the March 3, 1982 test because the proper planning
8 was done in advance of the need.

9 "The exercise experiment was not relative to an
10 actual situation because the other bus operators and drivers
11 that are expected to participate in this exercise when the
12 need arises have not been brought into the planning process.
13 The drivers and operators need training to know what is
14 expected of them and agreement must be reached with them
15 that they are willing to participate if needed.

16 "I do not believe this has been done to date.

17 "The plan information is two years old and may not
18 be accurate. We redid the phone numbers of the bus companies
19 and their principals ourselves after we found many phone
20 numbers missing and some numbers were incorrect.

21 "The scenario did not include enough opportunities
22 for the agencies involved to work closely together and
23 coordinate their activities. Each agency was doing its own
24 thing. There were very few situations created where many
25 agencies, they should be working together could coordinate

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2 their efforts to achieve the desired results.

3 "Public alerting and notification were non-existent
4 because the sirens were faulty. Without this, the public
5 would not listen to their radios and would not know which
6 areas are to be evacuated. Consequently, no one would be
7 waiting for the buses when they arrive."

8 MR. THORSEN: The next report is from the Deputy
9 Commissioner of the Department of Social Services. It is
10 that agency's critique to the Indian Point exercise of
11 March 3rd.

12 "Emergency Operation Facilities and Resources:

13 Three telephones were assigned to our department.
14 One, however, was shared with the Red Cross. At certain
15 times, this caused communication problems when it was
16 essential for our agency to use its three phones and, at the
17 same time, it was essential for the Red Cross to use one of
18 our "assigned" phones in order to fulfill their required
19 tasks.

20 "Resources: None of the Pearl River schools are
21 listed in the pamphlet as locations of reception centers.

22 "Alerting and Mobilization of Officials and Staff:

23 "Time of notification of the Commissioner, Deputy
24 Commissioner, and secretary was confused. We received a
25 call at our department inquiring, "Where are you?" It was

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2 presumed that we had previously been notified. That was
3 the first call we had received from anyone regarding the
4 "alert". A few minutes later we received the official call
5 from a different person advising us of the "alert". The
6 same number was called in both instances.

7 "Appropriate agency personnel were put on stand-by
8 status. When the need arose for some staff to open a
9 reception center, their response was delayed by ten minutes
10 as half had "gone to lunch". Once at the reception center,
11 the coordinator of our group was challenged as to why our
12 staff was there as "the people who had arrived by bus had
13 already come and gone". Efforts to clear up the misunder-
14 standing were hampered by the lack of available telephones
15 at the RPC location. Once facts were eventually shared, it
16 is our understanding that the drill went well.

17 "Incoming and outgoing communication was maintained
18 with state DSS staff throughout the entire exercise. There
19 were instances, however, when we were advised to carry out a
20 certain activity prior to being informed by our own Office
21 of Emergency Services. This was confusing as to the appro-
22 priate course of our action. However, we did not act on the
23 state's information but spoke to our Deputy Director of the
24 Office of Emergency Services as to the direction we should
25 follow. This type of dual reporting is confusing. Whose

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2 requests for action take priority? The state and then the
3 local, or the local and then the state?

4 "Roles of agencies whose work is intertwined
5 require further clarification. The following remarks are not
6 made in condemnation, but describe the actual occurrence
7 which leads us to request further discussion of specific
8 tasks assigned to each agency.

9 "It was our understanding that the request to open
10 additional reception centers emanates from our department.
11 However, during the drill we were informed by the Red Cross
12 that our department must open a second reception center.
13 Rather than argue as to who does what, why, and when, our
14 agency alerted a second team of workers and "technically"
15 opened a second reception center. When the drill was
16 terminated, we were questioned by a member of FEMA as to the
17 reason for our action in this latter instance. We were
18 informed that we should not have opened a second reception
19 center. Who then does make this decision to open additional
20 reception centers?

21 "Public Alerting and Notification:

22 "Notification of those groups our agency was
23 responsible for went well. Only one private proprietary
24 home was not contacted because their telephone was out of
25 order.

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2 "Public and Media Relations:

3 "The majority of contacts made with the public
4 were positive in nature. Some persons were more knowledge-
5 able than others as to just what the exercise was all about.
6 The vast majority, however, were not familiar with the
7 steps to be followed if all persons were required to remain
8 indoors.

9 "Accident Assessment:

10 "The coordination and cooperation amongst the
11 agencies involved was, in our opinion, excellent.

12 "Relevance of the Exercise Experience:

13 "In any exercise of this size, there are bound to
14 be problems of varying degree. It is difficult to assess
15 just how effective our plans of evacuation of people will
16 be, but at least this exercise pointed out weaknesses in our
17 current methodology which can be overcome and, therefore,
18 improve the overall performance and results."

19 THE CHAIRMAN: The next item we are going to be
20 moving on to will be the FEMA report, that is the federal
21 team who observed the drill themselves. Now what this is
22 all leading up to is what position Rockland County is going
23 to take in connection with arguing or lobbying or legal
24 proceedings in asking that Indian Point be shut down. This
25 testimony is being taken down tonight and it will be used to

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2 support our position before the Nuclear Regulatory Commission
3 hearings which are scheduled to take place this summer in
4 Rockland County, they are presently scheduled and we will
5 press extremely vigorously in asking that Indian Point be
6 shut down because there is no workable plan in effect.

7 Now, rather than sit here and read through a ten
8 page critique by FEMA we are going to highlight it briefly.
9 The report itself will be attached to the minutes taken and
10 they will be made available to members of the public.

11 Again, just briefly, this is a report in draft form
12 by the Federal Emergency Management Agency of Rockland's
13 participation and I am going to skim through it. In terms
14 of public education the report notes that although a brochure
15 had been distributed to the public two weeks before the
16 exercise the awareness of it was low. The emergency
17 facilities, the report notes, were weak and significant
18 deficiencies were noted. External communication was the
19 weakest aspect of EOC. I think we can gather that apparently
20 there is very poor communication apparatus available. They
21 recommend severe improvement in the equipment, more space
22 to be assigned, a plan of coordination between the various
23 counties and Coast Guard and railroads.

24 They note that the existing facilities for alerting
25 the staff is weak and that the activation of the command

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2 center was slow. The command and control capabilities were
3 lacking and although there were adequate written procedures
4 training in their use appeared limited. That is perhaps
5 one of the key thrusts of our position, a plan can be deemed
6 excellent on paper but its implementation is the true test
7 of whether a plan is workable.

8 The obvious and most major deficiency on that day
9 was the failure of the scenario to go off. Accident
10 assessment capabilities were evaluated as weak, field
11 personnel did not demonstrate adequate familiarity in field
12 instrumentation.

13 Under the heading of actions to protect the public
14 they note that actions to protect the public were generally
15 very good. Now that is their comment. I would have to say
16 I strongly disagree with them because the public was not
17 involved in the test, that seems fundamental to me but I
18 will leave it to your own judgment.

19 Recovery and reentry operations, the capability of
20 the EOC for recovery and reentry operations was evaluated as
21 good. Simulation of recovery and reentry was well carried
22 out at the EOC. Now, how that happened was that there was
23 an announcement made at approximately two o'clock in the
24 afternoon that for purpose of the drill, three o'clock, we
25 should now conclude it as it is now three days later or two

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2 days later and the drill is over with and things are winding
3 down satisfactorily. So certainly in any simulation you can
4 simulate whatever you want.

5 Relevance of the exercise experience, the exercise
6 was felt to be of benefit to county participants. Now that
7 is one of the prerequisites and Dr. Hyman has given another,
8 use of actual meteorological data that was not done that day.
9 In other words, they did not work with existing conditions.
10 They again in simulation prepared the scenario exactly the
11 way they wanted to see it occur.

12 That basically is a brief summary of the FEMA
13 report. Again it will be made available to you all and I
14 think it is a dmaaging document.

15 Now, at this point perhaps by a show of hands we
16 can see if anyone wishes to comment tonight and we will gauge
17 how much time to be spent on each person. Is there anyone
18 who wishes to speak on the item and if there are many we will
19 take a break but since I see we have only a few speakers
20 I will ask you to limit your comments to about three minutes.
21 Just take the stand over here. I want you to know that we
22 will be proceeding before the NRC in connection with our
23 hearings. There will be a resolution concerning the subject
24 before the Legislature next Tuesday and that would be really
25 the appropriate time for your comments, next Tuesday, for

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2 the public participation but you are certainly welcome to
3 make your remarks now.

4 CHARLES CASSELS: The problems are solved organi-
5 zationally and geographically. Organizationally we are
6 told in effect that after we have done this exercise three
7 times, after we have had three emergencies we would be quite
8 good at handling the emergencies. Geographically I think
9 most of us know of the deficiency in the roads in Rockland
10 County and the so-called gridlock of New York is apparently
11 occurring in any case so we can organize until we are blue
12 in the face but there will be very little traffic circulation
13 and monumental jams.

14 Once upon a time there was a hospital whose name
15 we shall call Indian Point Hospital and an accident victim
16 came into the emergency room and the doctor said send him
17 up to intensive care. But they said he seems to be very
18 sick, send him up to intensive care, connect him up and as
19 soon as he is connected up let me know. But said the nurses--
20 connect him up, do what you are told. So five minutes later,
21 oh yes, we have connected him up, he has an IV, he has an
22 oxygen meter on, he is connected up to the EKG and the other
23 intravenous and the doctor said well I will go right up so
24 he goes right up and he said there is something wrong, yes,
25 this patient has no circulation. Rockland County has no

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2 circulation and the doctor said why didn't you tell me and
3 the nurse said you wouldn't let me so this is one of the
4 things that we have to think about. We have geographic
5 difficulties which veto the possibility of making a
6 successful evacuation and our organizational difficulties
7 will take three emergency practices.

8 Two more things, if we take the average earnings
9 of a Westchester and Rockland family and work them out to
10 a person of 300,000 people who are going to be involved it
11 costs us in labor \$1,000,000.00 per hour. The official
12 papers say that it will be three days work, three times eight
13 is 24 so every experience in lost time, in lost production
14 is \$25,000,000.00. This is something to put into the hopper
15 and my last comment is this. The most wonderful thing about
16 a dog is that when you kick him he thinks it is his fault.
17 Now, we are the dog and the kicker is the person who provides
18 the power, we are kicking and we think it is our fault
19 because we have not prepared for their emergency. I think
20 the only solution though to this thing is save \$25,000,000.00
21 for experience, so many millions of dollars for this and so
22 many millions of dollars for that. How much will it cost
23 to get rid of Indian Point? If getting rid of Indian Point
24 is the price of four or five or ten emergencies which
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2 certainly will happen in the next few years get rid of it
3 now, right away. Thank you very much.

4 MR. CHAIRMAN: Does anyone else want to comment?

5 ZEPORIAH FLEISCHER: I live in New City, New York
6 and I would like to add to what Charles just said so well
7 and that is we are going to have to get rid of Indian Point
8 at some time anyway and the sooner the better I think when
9 it comes to the cost problem but we haven't heard from these
10 agencies at all today how much they expected it to cost
11 them to be properly outfitted. I would like to hear what
12 the health department says that would be satisfactory to them
13 in equipment in dollar figures. Have you any idea, Dr.
14 Hyman?

15 DR. HYMAN: A minimum with adequate equipment, I
16 am talking about what I call adequate equipment for an
17 adequate response, not what they call adequate and Mr.
18 McGuire was directed to add up all the cars we needed and
19 what not. I think the first figure was \$800,000.00 to begin
20 with.

21 MR. CHAIRMAN: Just the health department?

22 DR. HYMAN: Yes. All my comments please, sir, are
23 all health department. I am not criticizing any other
24 department. I have enough trouble with my own. As far as
25 the on-going training of personnel is concerned I don't mind

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2 if the record shows that I am in such a difficult spot as
3 commissioner. I have to decide do I cut out various other
4 controls or cut out other things. Now I'd like to publicly
5 state that my staff who worked really hard today, they better
6 be on time tomorrow morning, and be prepared to answer this
7 but I can't give you a figure for the cost of personnel
8 because for adequate, and incidentally when I use the word
9 adequate please put it in quotes, I don't see anything that
10 is adequate should we have a real melt down and among the
11 things I have said to our chairman and most of the brain-
12 trust in the medical field pertaining not only to nuclear
13 power but to nuclear war the problems that would arise if
14 any one of us would survive and I'm not brainwashing you
15 this is not from the radiological operation this material is
16 from the American Medical Association, from Harvard and
17 various extremely conservative individuals.

18 Irrespective of what the County does, Mr. Chairman,
19 it is my sworn duty to do the best with what I have in the
20 event of trouble. I would like, may I give a personal
21 recommendation?

22 MR. CHAIRMAN: Please.

23 DR. HYMAN: I would like Indian Point to go but
24 as long as it is there I would like to demand from the State
25 as much as we can get to take what little precautions we can

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2 take. Can we save 200 out of the 100,000 people involved,
3 I don't know. Can we save 50, can we save 50 percent? But
4 I refuse to lie down and be the dog. Nobody is going to
5 kick me without my doing a little biting and I am going to
6 constantly fight and get what I can get as long as Indian
7 Point is there. Thank you.

8 MRS. FLEISCHER: Mr. McGuire, do you have a
9 figure for your department?

10 MR. DONALD MCGUIRE: Yes. The last that we tried
11 to calculate was not only my department was incorporating
12 all the departments which included the Sherriff's Department,
13 the police agencies that we would have to provide equipment
14 for et cetera. It was in the neighborhood of \$100,000.00.

15 DR. HYMAN: All departments?

16 MR. DONALD MCGUIRE: For communication. They have
17 told us and I will refute you, Doc, they are not going to
18 provide us with cars. There has to be something that the
19 County has to deal with on its own and knowing the regulations
20 and I understand that where they are coming from that they
21 are not going to provide us with cars but the communication
22 equipment that we are lacking and that right now is in the
23 neighborhood of \$100,000.00.

24 DR. HYMAN: Mrs. Fleischer, may I reinterpret your
25 question to Mr. McGuire?

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2 MRS. FLEISCHER: I can't hear you.

3 DR. HYMAN: May I reinterpret your question to
4 Mr. Donald McGuire? The question was if we were to get
5 everything adequate, with the adequate in quotes, counting
6 the roughly \$800,000.00 from the Health Department, I don't
7 know how much Social Services would need, I don't know how
8 much the police force would require, and I don't know how
9 much the volunteer ambulance corps would need. I think the
10 figure that you have is incorrect.

11 MRS. FLEISCHER: Looking at it another way and
12 this is what I was leading up to, since utility economics
13 has been partly something which I pursued, whatever we are
14 charged or whatever the cost is it is either going to come
15 out of the tax payers money from Albany or it is going to
16 come out of PASNY and Con Ed's rates and then the people
17 who buy their electricity will be paying for it. So it is
18 people who are going to pay in the end and it is involuntary
19 evidently on their part and I think that is something that
20 has to be considered.

21 The other point I wish to make is that there is an
22 Achilles heel in which people do not seem to be willing to
23 test. I have called for a test of the buses, empty buses,
24 just let us get to the buses on the road and let's see if
25 you can possibly do what they say and I doubt it and I think

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2 they wouldn't dare run such a test.

3 I am making a challenge and I made it before, to
4 give us a drill of those buses that they think they are
5 going to get from here, there and the next place. The Red
6 and Tan people tell us they will not lend us any buses that
7 would not ordinarily be in Rockland and they tell us that
8 they do not promise us drivers. Now, I never drove a bus
9 but I suppose in a bad emergency I would hop in one and try
10 but I don't think that is what we are looking for and this
11 whole plan that we were talking about this evening and if
12 it is a good report, I mean it wasn't to commend all of you
13 for your sincerity and your work but if it misses the big
14 point which is the transportation over the roads which is
15 an Achilles heel and until we see how we are going to handle
16 them the rest of the money is wasted.

17 We have chiefs of police yelling that they haven't
18 any proper radios. Michael Holland, he said he can't talk
19 to Suffern. How is he going to be able to manage to send
20 equipment down those roads if the police and all the radios
21 do not work. They said they want intercoms in the buses.
22 There are not intercoms in every bus and how much is that
23 going to cost? I don't want to go through it all because I
24 have studied this plan inside, out and backwards and I could
25 talk for hours about the inadequacy of it and I think we have

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2 to
/ face it and they are inseparable and those are the things
3 you take into consideration.

4 MR. CHAIRMAN: Thank you very much.

5 GLADYS BURGER: I am president of the Disabled
6 Inaction of Rockalnd. I notice that in the FEMA report
7 they state that the public was not very well educated. I
8 would say that was absolutely the smallest possible thing
9 they could say about it. I have spoken to many, many of the
10 disabled people in this county who live in their own homes,
11 or not in institutions where they will be told what to do
12 and how they are going to be picked up and many of them looked
13 at the thing and said this is nonsense and threw it out.
14 The other thing is that they have a card attached to the
15 back page which is supposed to be filled in by the disabled
16 but the way it is attached the address is on the outside
17 instead of the part that should be filled in and almost
18 everybody I spoke to said they didn't even notice it. It
19 is obviously a truthful fact because only 125 cards have come
20 in and according to the latest census figures there are some-
21 thing like 32,500 disabled people in this county not all of
22 which are in the emergency preparation zone but a good number
23 of them are since you have plenty of large institutions with
24 disabled people in them, people who are using Jawonio they
25 try to live near Jawonio and people who are using Helen Hayes

1
2 on a regular basis try to stay as close to Helen Hayes as
3 possible et cetera. I am talking about the people who
4 live at home, not the people in the institutions and I know
5 plenty of people who are not disabled, people like to be on
6 other basis who have told me that they don't know what
7 happened to the booklet, they didn't consider it worth
8 looking at a second time. I think this is something you
9 are going to have to deal with too. Thank you.

10 MR. CHAIRMAN: Thank you very much. That will
11 conclude the meeting. We have another speaker.

12 JOHN DUFFY, Power Authority of the State of New
13 York: I listened with interest to what I regarded to be in
14 most cases very constructive criticisms of an emergency plan
15 or what is designated as the Indian Point Emergency
16 Response Plan which has been prepared by a consultant of the
17 utility companies at Indian Point who are regarded to be
18 among the more expert in the field.

19 Now, I think everybody recognizes that it is an
20 entirely new endeavor not only for utility companies but for
21 anybody else who is attempting to create a very comprehensive
22 emergency response plan for radiological emergencies. I
23 think one of the big problems that we haven't seemed to
24 address here is what is the county's responsibility with
25 respect to emergency preparedness planning and maybe the best

1
2 way to introduce that concept is asking a question. I think
3 you recall about two years ago in the Town of Haverstraw
4 there was a train derailment and at that particular time as
5 I recall a fire began and took several days to put it out.
6 Let's assume that that train was carrying 20 boxcars of
7 chlorine gas and let's assume that the derailment caused the
8 release of that chlorine gas into the atmosphere and just
9 to indicate to you that this is not an entirely speculative
10 scenario you might be interested to know that on the average
11 in each year there are 213 shipments by rail of chlorine gas
12 through Rockland County averaging 77 tons of shipment by
13 rail. Now let's just assume that the derailment in Haver-
14 straw caused the defusion of that gas into the atmosphere.
15 How would the County cope with such an eventuality? I
16 would be interested to know how anybody would answer that
17 particular question.

18 MR. CHAIRMAN: I don't know if he is prepared to
19 answer at this time.

20 MR. DONALD MCGUIRE: I refuse to answer it.

21 A VOICE: Let's have another hearing for chlorine
22 gas. Let's stick on our evacuation.

23 MR. CHAIRMAN: Let him complete his comment the
24 caveat is--as the lady pointed out there are several
25 proceedings which regulate dangerous material.

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2 DR. HYMAN: The Board of Health are coming up
3 with a sanitary code amendment with the cooperation of the
4 volunteer fire department people et cetera. We are not
5 overlooking those possibilities but I would like to ask you
6 why should Rockland County who gets no power from Indian
7 Point, who gets no taxes from the plant there, who have
8 nothing but problems from there, why should we have to keep
9 spending our money, my time, my staff's time on something
10 that is of no benefit to us? Why shouldn't the State and
11 the utilities pick it up?

12 MR. DUFFY: I will address that in a moment and I
13 promise you. The point I was trying to make and I think it
14 was fairly obvious is that there are any number of calamities
15 man made and natural that could occur in this County and it
16 really is the responsibility of the County and I am a resident
17 of Rockland County, I happen to live in Blauvelt in the Town
18 of Orangetown.

19 DR. HYMAN: Outside the ten mile radius.

20 MR. DUFFY: There is a gentleman from Rockland
21 County who happens to live in Haverstraw but I think he
22 shares my sentiments. Anyway it is the responsibility of the
23 County for the development of an emergency preparedness plan,
24 not just for the very remote possibility of a radiological
25 release at Indian Point but the much more likely prospect of

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2 even more lethal possibilities, specifically the kind I
3 mention that could occur in exactly the same area where the
4 ten mile zone is located with exactly the same problems for
5 you with respect to the moving of people in evacuation.
6 The point I am trying to make is that this County should
7 have been addressing this problem a long, long time ago.
8 What has happened in the meantime is that the utility
9 companies have developed a plan, the latest radiological
10 responses that is entirely and completely adaptable to these
11 other calamity situations.

12 MR. CHAIRMAN: You are doing us a favor, in other
13 words.

14 MR. DUFFY: I am suggesting to you that at the
15 expense of about \$7,000,000.00 that the County has not spent
16 nor has Westchester or Orange or Putnam, that the utility
17 companies have developed a plan that is in place with admitted
18 flaws. The purpose of the drill by the way was primarily
19 to identify, detect and correct those flaws and the criticism
20 we hear tonight will go a long way enabling us to do that
21 but the point I am trying to make is that you don't have an
22 emergency plan in place to meet these other calamities
23 either. You have been offered a plan to address a particular
24 eventuality which will cover in most cases every other kind
25 of eventuality you could imagine happening in this County.

1
2 It covers the movement of people, it covers the setting up
3 of centralized and coordinated control locations and equip-
4 ment. It provides and I will get to the point you raised,
5 Doctor. As you know the utilities in the State are being
6 assessed \$250,000.00 annually for each reactor they operate.
7 That money is being collected by the State. The State makes
8 the decisions as to how it is to be distributed. Now
9 arrangements are being made right now for the first alloca-
10 tion of that money or a portion of that money to be made to
11 Rockland County. The State obviously is interested in
12 funding its own operation. The County and the State must
13 get together and decide in a more appropriate way to allocate
14 the monies but the funding is in place again which is
15 available to help the County prepare a totally countywide
16 for an emergency preparedness plan which has long been needed,
17 should be in place not only directed towards emergency
18 preparedness or radiological releases but for the much more
19 likelihood eventuality which could occur and for which we
20 are not ready and that is the point I wish to make. I think
21 it should be given serious consideration. I think any con-
22 sideration by this County not to participate in emergency
23 planning would be a very big mistake because you miss the
24 opportunity to address all of these other very serious
25 potential calamities that could exist and if you don't have a

1
2 plan in place you will not have the ability to respond.

3 MR. CHAIRMAN: In response to your comment I think
4 you really brought up a red herring that was appropriately
5 addressed by Dr. Hyman as to the serious measures in which
6 the County will be dealing. Thank you for your time.

7 MR. THORSEN: I just want to add one thing to that.
8 The County of Rockland is still in the process of developing
9 its position which we will advocate forth at the time of
10 the nuclear regulatory hearings. The one thing that I did
11 want to pass along was that one of the things I learned in
12 law school is that we talk about freedoms and I always under-
13 stood the basic one of the fundamental laws to be your
14 neighbor's rights to swing his arm ends at your nose and it
15 seems what we are faced with is a cocked arm ready to punch
16 us in the head and the utilities are saying, well, it is
17 your job to duck and my personal philosophy is that it is
18 wrong. We do have an obligation, the County government
19 has an obligation to protect its people and their property
20 but I think the people of Rockland County also have a choice
21 as to what hazards they want to face and what hazards they
22 want to live with.

23 MR. CHAIRMAN: That concludes the hearing. Thank
24 you.

25 -oOo-

9.C.1.b

Referral No. 6675
May 18, 1982

RESOLUTION NO. 321 OF 1982
LEGISLATURE OF ROCKLAND COUNTY URGES
THE NUCLEAR REGULATORY COMMISSION TO
IMMEDIATELY SUSPEND THE OPERATING LICENSES
OF THE INDIAN POINT NUCLEAR FACILITIES.

RESOLVED, that the Legislature of Rockland County urges the Nuclear Regulatory Commission to immediately suspend the operating licenses of the Indian Point nuclear facilities.

MLP/mbr

8. "C"

New Business
 Introduced by:
 Hon. Sam Zalman Gdanski

Referral No.
 June 15, 1982

THE LEGISLATURE
 OF ROCKLAND COUNTY
 OFFICE OF THE CLERK
 JUN 15 A 10 58

RESOLUTION NO. 430 OF 1982
 THE LEGISLATURE OF ROCKLAND COUNTY
 DECLARES ITS SUPPORT FOR THE MOTION BY
 THE UNION OF CONCERNED SCIENTISTS/NEW YORK PUBLIC
 INTEREST RESEARCH GROUP, INC. TO SHOW CAUSE WHY
 THE LICENSES FOR THE INDIAN POINT POWER FACILITIES SHOULD NOT
 BE REVOKED AND DIRECTING THE IMMEDIATE SUSPENSION
 OF THE OPERATION OF SAID NUCLEAR POWER PLANTS.

Gdanski/Gorman

WHEREAS, by Resolution No. 320 of 1982, the Legislature of Rockland County prohibited the further expenditure of County funds or use of County employees for the federally mandated Rockland County Radiological Emergency Response Plan for Indian Point, and

WHEREAS, by Resolution No. 321 of 1982, the Legislature of Rockland County approved a resolution urging the Nuclear Regulatory Commission (NRC) to immediately suspend the operating licenses of the Indian Point Nuclear Facilities, and

WHEREAS, the Union of Concerned Scientists (UCS) and the New York Public Interest Research Group, Inc. (NYPIRG) have, on June 4, 1982, submitted to the United States Nuclear Regulatory Commission (USNRC) a motion requesting the issuance of a show cause order against the licensee and reconsideration of the Commission's ruling allowing interim operation pending the outcome of the Atomic Safety and Licensing Board's investigative proceedings scheduled to commence June 22, 1982, and

WHEREAS, there have been major and continuing deficiencies in the Indian Point emergency plans affecting Westchester, Putnam, Rockland and Orange Counties, as noted by the Federal Emergency Management Agency in its report entitled "Post-Exercise Assessment", dated May 27, 1982, and which was based upon the March 3, 1982 Four-County Radiological Emergency Response Plan for Indian Point, and

WHEREAS, the County of Rockland is populated by approximately 115,000 people who reside within the 10-mile emergency planning zone surrounding Indian Point, and

WHEREAS, the Atomic Safety and Licensing Board's hearings cannot serve as a substitute for the health, safety and welfare of the citizens of Rockland County, now, therefore, be it

RESOLVED, that the Legislature of Rockland County supports the motion by UCS/NYPIRG requesting that the NRC issue an order to show cause why the licenses for the Indian Point power facilities should not be revoked and directing the immediate suspension of the operation of said nuclear power plants, and be it further

RESOLVED, that the County Attorney of Rockland County be and he is hereby directed to take all such steps as may be necessary to place the NRC on notice as to the Rockland County Legislature's support of the motion by UCS/NYPIRG.

EOT/mbr

VOTE:

AYES: 308

NAYS: 40-McDougall, Wagner

Absent: 58-Beljean, Clark, Reisman

" 7 0 "

Fgcll

Introduced by:
Hon. John T. Grant
Hon. Eugene Grogan

Referral No. 6675
July 13, 1982

RESOLUTION NO. 473 1982
ESTABLISHING A CITIZENS ADVISORY COMMITTEE
TO REVIEW ROCKLAND COUNTY'S OWN NUCLEAR EVACUATION
AND PREPAREDNESS PLAN AND GENERAL DISASTER PREPAREDNESS PLAN.

WHEREAS, the Legislature of the County of Rockland, by Resolution No. 320 of 1982, directed the County Office of Emergency Services, the Department of Health, the Department of Social Services, and requested the school systems, and volunteer services to develop a plan in response to a potential nuclear accident occurring at the Indian Point facilities and a General Disaster Preparedness Plan, and to present such plans to the Legislature of Rockland County by December 31, 1982, and

WHEREAS, the creation of Rockland County's own Nuclear Emergency and Preparedness Plan and a General Disaster Preparedness Plan will require the cooperation and input of all of the departments of Rockland County, and

WHEREAS, the proposed Rockland County Nuclear Emergency and Preparedness Plan and General Disaster Preparedness Plan may have a great impact upon the citizens of Rockland County and therefore there should be full public disclosure and public hearings, and

WHEREAS, it would be in the best interest of the citizens of Rockland County if the proposed Rockland County Nuclear Emergency and Preparedness Plan and General Disaster Plan are reviewed at public forums by a Citizens Advisory Committee, and

WHEREAS, the aforesaid Citizens Advisory Committee should contain representatives of the Rockland County Office of Emergency Services, Department of Health, and Department of Social Services; representatives of the ambulance corps, the fire departments, the municipal police departments, the school systems, and the New York Army Reserve National Guard, Company D, 101 Signal Battalion, Orangeburg, New York; a representative of the Association of Supervisors; five legislative representatives of the Legislature of the County of Rockland and citizen representatives; and

WHEREAS, by Resolution No. 891 of 1980 the Legislature of the County of Rockland had established a Committee to Review the Federally Mandated Rockland County Radiological Emergency Response Plan which has been made moot by Resolution 320 of 1982, and

WHEREAS, the Multi Services Committee of this Legislature has met, considered and approved this resolution, now, therefore, be it

(continued on other side)

F. '82

Introduced by:
Hon. John T. Grant
Hon. Eugene Grogan

Referral No. 6675
July 13, 1982

RESOLVED, that the Chairman of the Legislature is hereby authorized, directed and empowered to create an Advisory Committee to Review Rockland County's Own Nuclear Emergency and Preparedness Plan and a General Disaster Preparedness Plan and to call such public hearings to be held at such time, place and date as deemed necessary by the Chairman of the Legislature of the County of Rockland, and be it further

RESOLVED, that the Legislature of Rockland County hereby authorizes, empowers and directs its Chairman to appoint the Chairman and the members of the Citizens Advisory Committee, which shall be composed of the following representatives:

- 1) Any Rockland County department or agency, as selected by the Chairman of the Rockland County Legislature
- 2) A representative of the New York Army Reserve National Guard, Company D, 101 Signal Battalion, Orangeburg, New York, to be recommended to the Chairman of the Legislature by the Company Commander
- 3) Representatives of the County ambulance corps, the County fire departments, the various municipal police departments, and the various school systems, as recommended to the Chairman of the Rockland County Legislature for appointment to the Citizens Advisory Committee
- 4) One representative as recommended by the Association of Supervisors to the Chairman of the Rockland County Legislature for appointment
- 5) Five legislative representatives of the Legislature of the County of Rockland, three of whom are to be recommended by the Majority Leader and two be recommended by the Minority Leader
- 6) Citizen representatives recommended by the Multi Services Committee, through the Chairman of the Legislature, for appointment, said recommendations shall be adequately representative of all the townships in the County;
- 7) One representative as recommended by the Conference of Mayors of the County of Rockland to the Chairman of the Legislature of Rockland County for appointment;

all to serve at the pleasure of the Legislature of the County of Rockland, and be it further

Introduced by:
Hon. John T. Grant
Hon. Eugene Grogan

Referral No. 6675
July 13, 1982

RESOLVED, that the Chairman of the Legislature be and he hereby is authorized, empowered and directed to direct any and all County departments or agencies to assist the aforesaid Citizens Advisory Committee, and be it further

RESOLVED, that the legislative members of the Citizens Advisory Committee shall report to the Legislature all findings and recommendations of said Advisory Committee not later than December 31, 1982, and be it further

RESOLVED, that Resolution No. 891 of 1980 be and is hereby rescinded.

EOT/mbr

JUDGE CARTER: Mr. Brandenburg?

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1 MR. BRANDENBURG: Mr. Chairman, we would say
2 with the additional testimony of Mr. Gdanski just a few
3 moments ago at the beginning of this morning's
4 proceeding, we would like an opportunity to review that
5 material before we are required to state whether or not
6 that material should be admitted into the record.

7 JUDGE CARTER: Well, it consists of three
8 pages of resolution and a cover sheet. I am sure by the
9 time an hour passes, you should have had an opportunity
10 to read that, unless there is some problem.

11 MR. BRANDENBURG: The material consists of six
12 pages, Mr. Chairman, and we tried to pay close attention
13 to your remarks and others' in this proceeding, I had
14 not commenced my review of this material. I have heard
15 nothing from Mr. Thorsen on why this material could not
16 have been presented earlier.

17 I do not know as I sit here as of this moment
18 why it was not filed earlier, why we would be required
19 to commence our cross-examination on this material just
20 a short time after it was served upon us.

21 JUDGE CARTER: Mr. Brandenburg, Resolution 473
22 was only passed July 13, 1982. This is the 19th of
23 July. It happened after the last hearing. Please read
24 it over as soon as you can. You will have an
25 opportunity to raise whatever objections by motions

1 subsequently. Let us proceed with the questioning of
2 the witness. Are you going forth first, Mr. Czaja?

3 MR. CZAJA: No. Mr. Brandenburg.

4 MR. THORSEN: Your Honor.

5 JUDGE CARTER: Well, excuse me. Procedurally,
6 Mr. Brandenburg.

7 (Pause.)

8 MR. THORSEN: Your Honor, procedurally, could
9 you inform Rockland County as to the order of
10 cross-examination? Will it be the Licensees and then
11 the Intervenors and any interested parties?

12 JUDGE CARTER: I would expect the Licensees
13 would want --

14 MR. BRANDENBURG: Mr. Chairman, we thought a
15 rule of practice was with the case of Chief Holland --

16 JUDGE CARTER: That is right. Are there any
17 questions from the Intervenors? I guess I thought
18 there were not any questions from the Intervenors, but I
19 could be wrong.

20 MS. FLEISHER: We will try to be quick, Your
21 Honor.

22 JUDGE PARIS: Speak up, Ms. Fleisher.

23 MS. FLEISHER: I am trying not to blast this
24 thing. Is it mild?

25 JUDGE PARIS: It is in mild.

1 CROSS EXAMINATION BY COUNSEL FOR INTERVENORS,
2 WEST BRANCH CONSERVATION UNION
3 BY MS. FLEISHER:

4 Q Good morning, Mr. Gdanski. I have a few
5 questions to ask you.

6 On page 3, line 11, would you please give us
7 some of the reasons that lead you to make that
8 statement?

9 JUDGE CARTER: Would you read the statement,
10 Ms. Fleisher?

11 BY MS. FLEISHER: (Resuming)

12 Q "It was the consensus of the participants in
13 the review process, based upon the results of the drill
14 in the plan itself, the Rockland County radiological
15 response plan was not workable and that huge
16 transfusions of money which would correct some of the
17 deficiencies in the plan would still leave many aspects
18 unanswered and unable to be adequately dealt with."

19 A (WITNESS GDANSKI) The reason I gave line to
20 that statement was the fact that any objective review of
21 our drill, our participation in the mock drill, clearly
22 indicated that dollars were needed to implement a
23 proposed plan, substantial dollars for hardware, for
24 personnel, for training. And that was lacking at that
25 point in time, and there had been no commitment by any

1 group or private entity who would absolutely guarantee
2 to provide the money that was necessary.

3 Aside from that, there was a more fundamental
4 objection. That was, without any true test of the plan
5 other than a mock drill where people are alerted the day
6 before and which covers a very carefully set scenario
7 and without any indication of the use of the actual
8 roads on a crowded day, we could never sanction or
9 approve of a proposed plan.

10 So there was a two-fold basis objection, and
11 that is why we could not approve it.

12 Q Mr. Gdanski, can you tell us what the money
13 figure is?

14 A (WITNESS GDANSKI) The dollars figures ranged
15 from conservative estimates of Rockland County alone in
16 the nature of several millions of dollars for Rockland
17 County alone. And that was not involved in improving
18 the road network system. So we're talking about upwards
19 of two to three million dollars for personnel and
20 hardware and training and maintenance of that equipment
21 required.

22 Q How would such moneys be raised in Rockland
23 County?

24 A (WITNESS GDANSKI) Well, that is part of the
25 problem. Although we are required to review the plan

1 and have spent countless hours in good-faith in the 2
2 years since that requirement was promulgated, there has
3 been no commitment to either reimburse us for our
4 in-house hours for reviewing the plan nor for
5 implementing the proposed plan.

6 There has been some proposed State
7 legislation, the amount being discussed right now is
8 rather miniscule. There are proposed amendments, but
9 those are only proposed, and even then that money would
10 have to be distributed geographically throughout New
11 York State among the various participants who have to
12 have these types of plans in effect.

13 So we were never given any commitment, nor
14 have we received any money yet.

15 Q Is it true that the New York State Legislature
16 is not now in session? When would you expect that they
17 might pass such laws which would give you such money?

18 A (WITNESS GDANSKI) I can't answer that
19 question.

20 MR. CZAJA: I object to that question. I
21 think we are really getting into speculation when we
22 have Mr. Gdanski's testimony with the New York State
23 Legislature.

24 MR. LEWIS: Some objectionable material in the
25 last two answers, but I did not object to it.

1 JUDGE CARTER: Well, is the Legislature in
2 session?

3 WITNESS GDANSKI: I can't answer that. My
4 understanding is it is not.

5 JUDGE CARTER: Proceed, Ms. Fleisher.

6 MS. FLEISHER: Your Honor, the Legislature is
7 not --

8 JUDGE CARTER: You do not have to make a
9 statement. Just ask the question, Ms. Fleisher.

10 BY MS. FLEISHER: (Resuming)

11 Q In your opinion, if an accident were to occur,
12 would Rockland citizens not want naturally to assemble
13 their families regardless of the fact that the schools
14 are in session?

15 MR. CZAJA: I am going to object to that.

16 JUDGE CARTER: Sustained. Ask him, Ms.
17 Fleisher. Do not ask him to speculate on the way people
18 feel or what they might do.

19 BY MS. FLEISHER: (Resuming)

20 Q Have you any knowledge from your hearings that
21 the Rockland citizens would wish to assemble their
22 families rather than leave their children in school if
23 an accident occurred while school was in session?

24 A (WITNESS GDANSKI) Well, one of the most
25 heart-felt objections rendered by members of the public

1 during our hearings was precisely that point. What
2 would happen to a parent who was working in New York
3 City who had two children at different schools within
4 the County and what would happen when the teacher of
5 that group might also be a parent in Rockland County?

6 There were never any clear-cut answers to that
7 as to could we rest with the assurances that the schools
8 would adequately take care of our children. And the
9 predominant response, and my own response with children,
10 is I couldn't, I couldn't rest safely and assume that a
11 school bus with a contract carrier would pick up and
12 take care of them.

13 JUDGE CARTER: What was your official
14 response?

15 WITNESS GDANSKI: The official response was
16 there were no assurances given by the schools or by the
17 private bus carriers.

18 JUDGE CARTER: Did you investigate that?

19 WITNESS GDANSKI: Yes, we did, based on staff
20 reports.

21 MR. CZAJA: I am goin to move to strike that
22 testimony, Judge. I do not think there is a sufficient
23 basis for the witness' speculation.

24 WITNESS GDANSKI: It's not speculation, if I
25 can clarify the answer.

1 MS. FLEISHER: May I --

2 JUDGE CARTER: Just a moment, Ms. Fleisher.
3 Be more specific.

4 WITNESS GDANSKI: Yes. Our transportation
5 coordinator, whose duties would be to have liaison with
6 the private bus companies as well as the schools,
7 clearly unequivocally stated there were no commitments
8 given to fulfill that probability.

9 JUDGE CARTER: I don't understand what you
10 mean "commitments."

11 WITNESS GDANSKI: In other words, their
12 written contract commitment by a private bus carrier
13 that unequivocally they would come back into the County
14 or would have sufficient buses or drivers to evacuate
15 the amount of children that would be required.

16 JUDGE CARTER: Ms. Fleisher.

17 BY MS. FLEISHER: (Resuming)

18 Q In your hearings, did you not discover that
19 the brochure had failed to convince Rockland residents
20 that they have a workable plan?

21 A (WITNESS GDANSKI) By brochure, I presume you
22 mean the document distributed by the utility, "Private
23 Withdrawal"?

24 Q Yes.

25 A (WITNESS GDANSKI) What happened in that

1 instance is many citizens discarded the pamphlet upon
2 receipt, and when the actual drill was held, could not
3 find it.

4 JUDGE CARTER: Well, excuse me, that was not
5 part of your legislative investigation?

6 WITNESS GDANSKI: Well, it was, because one of
7 the basic objectives would be the notification system.
8 And that was the only proposed notification system.

9 JUDGE CARTER: You do not know how many kept
10 them and how many threw it away?

11 WITNESS GDANSKI: I cannot give you a precise
12 answer on that.

13 JUDGE CARTER: All right.

14 BY MS. FLEISHER: (Resuming)

15 Q On page 4 in your answer --

16 JUDGE CARTER: Ms. Fleisher, the bottom half
17 of the answer has been stricken, but you can ask on the
18 same subject. That question in the middle of the page
19 has been stricker.

20 MS. FLEISHER: Your Honor, Rockland County was
21 sent a draft report of the drill by FEMA that was a
22 subject of discussion at this open meeting I am talking
23 about. Now I want to ask Mr. Gdanski if he can explain
24 how Rockland County residents and officials reacted to
25 that draft report.

1 JUDGE CARTER: Reacted to what draft report?

2 MS. FLEISHER: The contents of the draft
3 report of the March 3rd drill.

4 JUDGE CARTER: Well, reaction is a very broad
5 term, Mrs. Fleisher. Try to narrow the question down to
6 something within his range of official responsibility.
7 Legislators, if I may pontificate, have to know what
8 everyone in their area is thinking, but they are not
9 always allowed to testify under oath about it.

10 BY MS. FLEISHER: (Resuming)

11 Q Since he is here to explain to us more than
12 how he himself responds, but rather how people respond
13 in Rockland County, I will have to ask him how the
14 people responded to the veracity of the facts in the
15 FEMA draft report of the drill.

16 MR. CZAJA: Objection.

17 MR. HASSLE: Your Honor --

18 JUDGE CARTER: Sustained. He can testify as
19 to what he observed. He cannot testify generally about
20 reaction. He can draw certain inferences from what he
21 observed, but -- did you observe the drill, Mr. Gdanski?

22 WITNESS GDANSKI: Yes, I was there from the
23 inception to the completion of the drill.

24 Could you repeat the question, please?

25 JUDGE CARTER: You were present at the drill?

1 WITNESS GDANSKI: Yes.

2 JUDGE CARTER: What did you observe?

3 WITNESS GDANSKI: I observed that the drill
4 was a mock drill in every sense of the word. There was
5 a carefully orchestrated scenario. For example, testing
6 out the transportation aspect of what would be required
7 in the event of an actual drill, there was no such
8 test. The actual drill. The transportation coordinator
9 would stand up and say, we have now called the various
10 schools and the bus companies, and everything is okay,
11 and at 3:30 in the day the actual drill, an announcement
12 was made, now, for the purposes of the test, we will
13 assume it is now three days later in the scenario, and
14 everything is coming to a halt, and everything is okay.

15 Now, as someone who observed the drill, to me,
16 you could not base an evaluation of how you could
17 implement a proposed evacuation plan based on the
18 strictly orchestrated scenario of that sort without any
19 evidence, any testing of the facilities to be actually
20 used.

21 JUDGE CARTER: Thank you. We will take a
22 short recess.

23 (Whereupon, a brief recess was taken.)

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1 JUDGE CARTER: Mrs. Fleisher, do you have any
2 more questions?

3 MS. FLEISHER: Yes, I have.

4 MR. CZAJA: Judge, I move to strike the last
5 answer as not responsive to your question, which was
6 with regard to Mr. Gdanski's observation of the exercise.

7 MS. FLEISHER: I can't hear you. With regard
8 to what?

9 MR. CZAJA: With regard to the observations of
10 the exercise, was the question. The answer was, Mr.
11 Gdanski's opinion as to what constituted proper
12 exercise, and I think the only question in that area is
13 whether the exercise was conducted in conformance with
14 FEMA's requirements. I don't think Mr. Gdanski has
15 testified to any qualifications in that area. To that
16 extent, I think his answer should be stricken.

17 MR. BRANDENBURG: I join in the application.

18 MS. FLEISHER: I will reply to that, if I
19 may. We are trying to show here the reaction of
20 Rockland County to the plan and to FEMA and so forth.
21 We are not testing 0654. This line of questioning is
22 intended to show the reaction of the legislators and Mr.
23 Gdanski to the plan, to other agencies involved in the
24 plan. We are not asking to test whether or not the
25 close was operated according to either FEMA guidelines

1 or 0654. What we are asking here from Mr. Gdanski is
2 the human reaction of Rockland County citizens and
3 Rockland County officials.

4 JUDGE CARTER: Mrs. Fleisher's interpretation
5 was not my question, but I believe that the witness did
6 give a competent, proper answer to the question within
7 the range of his observation. I think it was proper,
8 and the motion to strike is denied.

9 BY MS. FLEISHER: (Resuming)

10 Q Mr. Gdanski, are you aware that FEMA, and I
11 will say it for those who do not understand what we are
12 talking about, the Federal Emergency Management Agency,
13 wrote a critique of the March 3rd drill?

14 A (WITNESS GDANSKI) I am aware of that, yes.

15 Q And copies of it were sent to some officials
16 in Rockland County. I do not know all who.

17 A (WITNESS GDANSKI) They were sent two
18 versions, a draft version and a final version, yes.

19 Q And no response was made by Rockland County to
20 that critique. Is that right?

21 A (WITNESS GDANSKI) That is correct.

22 Q There might have been oral responses, but no
23 formal response that you know of?

24 A (WITNESS GDANSKI) That is correct.

25 Q On May 24th, you went to Albany, to a meeting

1 held in the New York State Association of County's
2 offices. Is that correct?

3 A (WITNESS GDANSKI) I did attend that meeting,
4 yes.

5 Q At that meeting, there was discussion of the
6 critique and also of Rockland's position. Is that not
7 correct?

8 A (WITNESS GDANSKI) The meeting was
9 specifically called by County Executive Delbello, who
10 hosted the meeting, and it was of the various counties
11 in New York State that were within ten miles of an
12 existing nuclear facility, and chief among our
13 discussions was Rockland's role and Rockland's drill and
14 the steps Rockland took, and each of the counties
15 offered their own assessment of their abilities and
16 their attempts to comply with federal regulations to
17 implement emergency response plans.

18 Q I would like to show you a document that was
19 distributed at that meeting and ask if you are familiar
20 with it.

21 Mr. Gdanski, do you notice at the very top it
22 says REPG? That is the only identifying issue of this
23 document. Is that not so?

24 A (WITNESS GDANSKI) That is how the document
25 appears to me, yes.

1 JUDGE CARTER: Did you answer the document?
2 Are you familiar with it?

3 WITNESS GDANSKI: Yes, I recognize it. This
4 is the document distributed that day.

5 BY MRS. FLEISHER: (Resuming)

6 Q The purpose of showing you this document is to
7 ask you to please turn to Page 3, Item Number 4. I am
8 sorry, Item Number 5.

9 JUDGE CARTER: Mrs. Fleisher, I think we ought
10 to identify this and give it a number so that the record
11 will be clear as to what document you are speaking of.
12 I think you have one exhibit so far, WBCA Number 1.
13 This would be Number 2. Is that correct?

14 MS. FLEISHER: Yes, sir, it is.

15 JUDGE CARTER: We will mark this as WBCA
16 Number 2.

17 (The document referred to
18 was marked for
19 identification as WBCA
20 Exhibit Number 2.)

21 MS. FLEISHER: I am sorry I have not had the
22 opportunity to distribute it sooner. It is a matter of
23 -- well, I think it is a simple enough document to
24 distribute at this late date.

25 JUDGE CARTER: Can you help us understand what

1 REPG stands for?

2 MS. FLEISHER: Yes, that is Radiological
3 Emergency Planning Group, and that is a group in the
4 state of New York under the Commissioner of Emergency
5 Planning, that is, this Commissioner, Hennessey, and
6 under him, there are -- I don't know if I can remember
7 all of the departments, but it is the environmental
8 conservation, the Department of Transportation, the
9 Department of Health, and so forth, in the state of New
10 York, and these comprise something called Emergency
11 Response Group, and they have more than the radiological
12 plan. They also have a plan for other emergencies
13 operated by the state of New York under executive law, I
14 believe. Chapter 20 is the original issuer or whatever
15 you call it, the proposer of the form of the
16 organization, and it goes through 29 in New York State.
17 Paul McKinney --

18 JUDGE PARIS: Ms. Fleisher, for purposes of
19 further identification, why don't we note that this
20 bears the date 5/1/82, and under REPG the heading
21 1982-83 Work Plan, Site Specific Tasks, Nine Mile Point?

22 MS. FLEISHER: I would leave out, if I may,
23 the Nine Mile Point, because that really should have
24 been dropped down. It is the question, each plant is
25 mentioned, and I don't believe we are going to bother

1 with the others. We are only interested here in Indian
2 Point 2 and 3.

3 JUDGE PARIS: Okay. I am sorry. I did not
4 notice that Indian Point 3 was the heading on Page 3.
5 Okay. Go ahead.

6 JUDGE CARTER: What is your question
7 concerning this document?

8 BY MS. FLEISHER: (Resuming)

9 Q I am asking Mr. Gdanski if he would notice in
10 Question Number 5 on Page 3 the complete state plan
11 revisions are supposed to be ready August 31st, 1982.
12 Is that right?

13 MR. CZAJA: I am going to object to this
14 question. The document has not been offered into
15 evidence. We have absolutely nothing in the record as
16 to who prepared this document, the circumstances in
17 which it was prepared, the purpose for which it was
18 prepared.

19 MS. FLEISHER: I will go into it a little
20 further, if I may.

21 BY MS. FLEISHER: (Resuming)

22 Q Mr. Gdanski, this was distributed to you by
23 Mr. Davidoff on that day, the meeting of May 24th?

24 A (WITNESS GDANSKI) Yes, it was.

25 Q Mr. Davidoff works for the REPG for the State

1 of New York. Is that right?

2 A (WITNESS GDANSKI) Yes, that's right.

3 Q That would be, then, the source of this
4 document, right?

5 A (WITNESS GDANSKI) That is correct.

6 JUDGE CARTER: The motion is denied.

7 MS. FLEISHER: That is really all I asked for
8 of this document. Thank you.

9 JUDGE CARTER: Thank you, Ms. Fleisher.

10 Any other intervenors?

11 MS. FLEISHER: No, I am not through. I know
12 you wish I were.

13 JUDGE CARTER: No, you are getting closer to
14 your law degree every hour.

15 MS. FLEISHER: I don't want it.

16 (Applause.)

17 MS. FLEISHER: You said earlier, if you
18 remember, that you could lose your livelihood and
19 everything, so I really would suffer.

20 BY MS. FLEISHER: (Resuming)

21 Q Mr. Gdanski, in further discussing the plan
22 for evacuation as we understood it, weren't we under the
23 impression when we first had the plan that evacuation
24 would be a reaction to a general emergency?

25 A (WITNESS GDANSKI) Evacuation was one of the

1 options to be considered in the event of an emergency at
2 Indian Point.

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1 Q And the other was sheltering?

2 A (WITNESS GDANSKI) That was my understanding,
3 sheltering, yes.

4 Q Did you notice any emphasis in the literature
5 that we have been receiving now from evacuation to
6 sheltering?

7 MR. CZAJA: Objection to the form of the
8 question.

9 MR. BRANDENBURG: I object, Mr. Chairman. It
10 is much too vague for the witness to formulate an
11 answer.

12 JUDGE CARTER: Too vague.

13 BY MS. FLEISHER: (Resuming)

14 Q In discussing sheltering as an option, have
15 you found from the departments that would be responsible
16 for effecting sheltering of Rockland County a belief
17 that it is possible?

18 MR. CZAJA: Objection.

19 MR. BRANDENBURG: Objection.

20 JUDGE CARTER: Sustained. Why not ask the
21 witness what he has been advised from authorities with
22 regard to sheltering?

23 MS. FLEISHER: All right, let us try that one,
24 if we may.

25 BY MS. FLEISHER: (Resuming)

1 Q Mr. Gdanski, in those departments responsible
2 for sheltering in Rockland County, what have they
3 advised you regarding sheltering?

4 A (WITNESS GDANSKI) I am going to have to defer
5 on that one and let the department heads answer.

6 Q Do you recall a letter in August mentioning
7 any one written by FEMA to the NRC which later became
8 the subject of a law case in which Rockland joined
9 amicus?

10 A (WITNESS GDANSKI) You would have to more
11 specifically identify the letter.

12 Q The letter suggested -- I have it in here --
13 the letter suggested that Rockland County, that New York
14 State have sufficient plans.

15 A (WITNESS GDANSKI) Yes, I recall that. There
16 came a point in 1981 when we were given to understand
17 that a Federal body had determined that at that date
18 there was an acceptable evacuation plan in effect. And
19 that shocked and amazed us, frankly, in Rockland County
20 since we had never gone on record, and it was our
21 understanding that as of that date there was only a
22 version we had not yet signed off on.

23 Q Then the Nuclear Regulatory Commission
24 responded?

25 JUDGE CARTER: Mrs. Fleisher, I am having a

1 little trouble understanding what you are getting to.
2 We are now in 1982. We are in the midst of revisions to
3 the plan. Do we have to go into the history?

4 MS. FLEISHER: The reason I am trying to show
5 after we have had some of this testimony stricken, my
6 questions are a little stricken, too. I am trying to
7 show the reaction of Rockland County to the bureaucracy
8 around the plan, to the disbelief in some of the
9 agencies and what the agencies have told us about the
10 plan, which is contrary to how we feel about the plan
11 and how we see the plan and how the plan appears to take
12 effect. And that is the foundation I am trying to get
13 to.

14 JUDGE CARTER: I have a great deal of
15 difficulty with understanding the relevance of that. We
16 all have difficulty with understanding what governmental
17 agencies do even within the agency.

18 WITNESS GDANSKI: If I could add, Your Honor --

19 JUDGE CARTER: It seems to me we are not going
20 to get very far. That is not what we are concerned
21 about.

22 MS. FLEISHER: I would hope it would lead to
23 understanding the resolutions passed by the County of
24 Rockland. But if you are willing to accept them on
25 their face value and know that they have taken place are

1 not put in evidence, I will move on.

2 JUDGE CARTER: I do not think that the
3 Legislature operated frivolously, but that is what
4 people may differ about, and that is whether there is a
5 good basis for what they did.

6 MS. FLEISHER: Thank you, Mr. Gdanski, for
7 coming. And that is all I have.

8 JUDGE CARTER: Any other questions from
9 intervenors? Mr. Kaplan?

10 MR. KAPLAN: What is your pleasure on
11 interested States?

12 JUDGE CARTER: The interested States.

13 MR. KAPLAN: Before Licensees?

14 JUDGE CARTER: Yes, do you have a question?

15 MR. KAPLAN: Yes, I have one question.

16 CROSS EXAMINATION BY COUNSEL FOR NEW YORK CITY

17 BY MR. KAPLAN:

18 Q Mr. Gdanski, the Board has heard testimony
19 from the representatives of the Federal Emergency
20 Management Agency regarding the importance of confidence
21 in the planning process, and the FEMA witnesses referred
22 to the point that confidence is low in the population at
23 large and among the political leadership, and they
24 referred to the confidence that you as a legislator or
25 the population of Rockland County might have in the

1 Licensees.

2 As a member of the Rockland County
3 Legislature, experienced in this area and familiar with
4 the Licensee, if you are familiar with the Licensees, do
5 you feel confident in the good judgment and competence
6 of the Licensees of the nuclear facility at Indian
7 Point?

8 MR. CZAJA: Objection.

9 MR. BRANDENBURG: Objection.

10 JUDGE CARTER: Sustained.

11 MR. KAPLAN: Could you enlighten me as to the
12 grounds of the objection, and I will be glad to reform
13 my question? .Since we have had predicate testimony with
14 regard to emergency planning, I felt it was appropriate
15 to ask the witness whether or not in terms of the
16 capability of emergency planning and as a political
17 leader.

18 JUDGE CARTER: I think you will have to give a
19 little more basis if he is to give an opinion as to
20 that. So far, nothing that I have heard has to do with
21 the Licensees.

22 MR. KAPLAN: The question is simply as to the
23 adequacy of emergency planning. I am inquiring, to be
24 very direct, into the witness' state of mind, which is
25 exactly what the FEMA witnesses said was important.

1 Confidence is a state-of-mind issue. It does not have
2 an objective predicate.

3 Whether or not Mr. Gdanski as a leader of his
4 County feels confident that he can rely on the
5 information coming from the Licensees and the emergency
6 planning procedures seems to me of great import to this
7 Board and to the possible success of any emergency
8 plans. I do not believe when the Licensees tell them
9 all the emergency planning in the world will not work,
10 since we have had consistent testimony that the ball
11 must start rolling based on Licensee's assessment as to
12 what is going on on-site.

13 JUDGE CARTER: But I have not seen anything in
14 his direct testimony which is in any way related to
15 that. He discusses the plan itself and does not ascribe
16 any errors or omissions on the part of the Licensees,
17 per se. It seems to me you are pushing it too far,
18 based on the purpose of his testimony.

19 MR. KAPLAN: If I may have one second.

20 JUDGE CARTER: That is not to say that you
21 cannot take him through this if you feel you can and
22 indicate that there is some direct relationship to the
23 point you want to make. But at this point I am having
24 trouble seeing it.

25 (Pause.)

1 MR. KAPLAN: I gather the objection has been
2 sustained on the theory that the question goes beyond
3 the scope of direct testimony?

4 JUDGE CARTER: In part.

5 MR. KAPLAN: I would suggest, if I might ask
6 this question and possibly this might satisfy the
7 Board's foundation question.

8 BY MR. KAPLAN: (Resuming)

9 Q Mr. Gdanski, in the Legislature's
10 consideration of its resolutions, all of which are
11 attached to your testimony, was one of the factors
12 considered by the Legislature the confidence of the
13 Legislature and the public in the competence and
14 judgment of the Licensees?

15 MR. CZAJA: Objection.

16 MR. BRANDENBURG: Objection.

17 JUDGE CARTER: I think you can ask him was
18 this subject --

19 WITNESS GDANSKI: Although unstated.

20 JUDGE CARTER: -- considered. I am not even
21 sure you can get into the discussions of legislators.
22 It is like getting into a discussion of the Judges prior
23 to the making of their decisions. Did the Licensees
24 make any determinations or issue any regulations or
25 enact any laws which related to confidence in the

1 credibility of the Licensees?

2 WITNESS GDANSKI: Can I answer that question?

3 JUDGE CARTER: Did the Legislature. Excuse
4 me.

5 WITNESS GDANSKI: One of the foundations in
6 enacting our resolutions was, in fact, the credibility
7 of the Licensees.

8 JUDGE CARTER: No. I asked you, did you make
9 any findings, any determinations that related directly
10 to that, not into hearings you may have had.

11 WITNESS GDANSKI: Well, we don't render
12 written filings. But in discussions, one element was
13 the credibility and the cooperation we received from the
14 Licensees in reviewing the plan and of the situations
15 that have occurred at the site of the plants.

16 Specifically, our Health Department repeatedly
17 tried to gain access to a number of probability studies
18 from the Licensees to enable us to determine how to
19 respond to specific incidents other than, let's say,
20 evacuation and to help him explain to our Health
21 Department what different technical terms meant
22 vis-a-vis our responsibility to move the population
23 out.

24 And we never were able to receive those
25 documents. Other incidents that have occurred locally,

1 geographically at the site, we are adjacent to the site,
2 and we give due recognition to the public situations
3 that occur, the leakage that occurred at Indian Point
4 and the Licensees' response in explaining, the immediacy
5 with which they issued their explanations as to how that
6 occurred, and the explanations themselves.

7 JUDGE CARTER: Mr. Gdanski, your testimony
8 would be more helpful if you would be more specific with
9 regard to the Health Department statements.

10 WITNESS GDANSKI: Well, I could be more
11 specific by Health Department or a statement by a member
12 of the Health Department.

13 JUDGE CARTER: He has more specific numbers.

14 WITNESS GDANSKI: That is right. But that was
15 a factor in our decision.

16 JUDGE CARTER: And he gave an answer based on
17 his experience?

18 WITNESS GDANSKI: That's right. And he said
19 it was not forthcoming despite repeated requests. And
20 the other incident I alluded to was the piping accident
21 that occurred at Indian Point and the subsequent
22 explanations offered before the State Public Service
23 Commission and their findings.

24 MR. BRANDENBURG: I am going to object to the
25 characterization of that as an accident, Mr. Chairman.

1 The witness has no expertise in the operation of nuclear
2 power plants. I think he would be the first to concede
3 that is a very pejorative connotation that has no place
4 in this record. And I would request that it be
5 stricken.

6 WITNESS GDANSKI: That is public knowledge,
7 Your Honor.

8 MS. FLEISHER: Your Honor, the Public Service
9 Commission declared the accident in its order of
10 82.-dash-something or other.

11 JUDGE CARTER: I think the Board understands
12 what that reference was as opposed to references by the
13 health officials.

14 MR. KAPLAN: Mr. Brandenburg is not suggesting
15 that when it was done, it was done on purpose by the
16 Licensees.

17 JUDGE CARTER: All right.

18 BY MR. KAPLAN: (Resuming)

19 Q To follow up, as a result of the information
20 that you and your colleagues on the Legislature gathered
21 in your inquiry, would it be fair to say that you as an
22 elected official of this County have little confidence
23 in the good judgment and competence of the Licensees in
24 the running of the facilities at Indian Point?

25 MR. BRANDENBURG: Mr. Chairman, I would object

1 to that question. The missing predicate for Mr.
2 Kaplan's questions is the assumption, which I do not
3 believe to be the case, that Mr. Gdanski would have some
4 role to play in the event of an accident at Indian
5 Point.

6 If that were true, then presumably the extent
7 to which Mr. Gdanski would rely upon representations
8 made to him by the Licensees would be of some
9 relevance. We have not established that fact. I
10 believe the record will reflect that Mr. Gdanski has no
11 such functioning and consequently his views on whether
12 or not the Licensees have credibility or not are purely
13 those of a private citizen and, I submit, have no proper
14 probative value to this Board or this proceeding.

15 WITNESS GDANSKI: If I could answer that --

16 JUDGE CARTER: If Mr. Brandenburg is right --

17 WITNESS GDANSKI: Not completely, Your Honor.

18 We don't have a County executive, we have a County
19 chairman. And in the event that the chairman was not
20 available, there could conceivably come a point at which
21 an individual legislator would act in his place. That
22 may be me.

23 MR. THORSEN: Your Honor, there was testimony
24 by the FEMA witnesses that in the event the County
25 chairman were not available, his designee would take

1 over the functions which would normally be occupied by
2 him. We have no idea at this point in time who the
3 designee would be. The designee could possibly be
4 another member of the Legislature.

5 MR. CZAJA: Or could possibly be anybody in
6 Rockland County.

7 WITNESS GDANSKI: It would be a member of the
8 Legislature.

9 JUDGE CARTER: That is straining it rather
10 far. Try to build that connection up because there is a
11 possibility that Mr. Gdanski might be appointed, that
12 therefore his personal views would have more merit.

13 WITNESS GDANSKI: I may be elected next year.

14 JUDGE CARTER: It seems to me as to weigh the
15 facts, opinions are not as persuasive as facts. His
16 general observation, I submit, is not going to help us
17 resolve his answers, and the continued arguing about it
18 does not help.

19 WITNESS GDANSKI: Your Honor, if I could just
20 clarify the last statement. Our County chairman is
21 chosen by other legislators and it varies from year to
22 year. So just as a point of knowledge, our chairman
23 will vary from year to year. And it may conceivably be
24 that I will be the next chairman, as any of the 20
25 legislators could be.

1 JUDGE CARTER: I understand.

2 MR. KAPLAN: If I might add, Judge Carter, the
3 reason I started this line of questions had to do with
4 the predicate on the testimony for the FEMA witnesses as
5 to the importance of confidence of the population and
6 the political leadership in the Licensees for effective
7 planning.

8 I am not necessarily concerned with the
9 specifics, and that is why I take issue with the Board,
10 if I might, as to the facts. There was no fact just of
11 whether or not there was confidence or there was no
12 confidence. That was a state-of-mind issue. And what I
13 am asking to the Board is not to consider the state of
14 mind as to the population or the leadership of this
15 County regarding the functioning of these plants.

16 JUDGE CARTER: Mr. Kaplan, how many members of
17 the Legislature are there?

18 MR. KAPLAN: 20.

19 JUDGE CARTER: Do you want us to accept the
20 opinion of one as representative of 20? The Legislature
21 acts as a body. Please let us not pursue this any
22 further. Go on to another subject.

23

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1 I have no further questions in this.

2 JUDGE CARTER: Any other interested states?

3 All right, are you ready to proceed, Mr.

4 Brandenburg?

5 CROSS-EXAMINATION ON BEHALF OF LICENSEE

6 CONSOLIDATED EDISON COMPANY

7 BY MR. BRANDENBURG:

8 Q Mr. Gdanski, are there some typographical
9 errors in your prefiled testimony in this proceeding
10 that you would like to bring to our attention before we
11 proceed?

12 A (WITNESS GDANSKI) I haven't noted any,
13 although there may be some.

14 Q Did you prepare this testimony personally or
15 was this prepared by someone acting under your
16 direction?

17 A (WITNESS GDANSKI) It was prepared by myself
18 together with the county attorney's office. I dictated
19 it.

20 Q Let me turn your attention, if I may, to page
21 3 of your prefiled testimony, line 7, relating to the
22 two public hearings, the line beginning, "One, in
23 1981." Do you see that?

24 A (WITNESS GDANSKI) Yes.

25 Q Is the date following that March 13 or May

1 13?

2 A (WITNESS GDANSKI) As indicated in the
3 prepared testimony, it says March 13th.

4 MR. THORSEN: Your Honor, while I appreciate
5 Mr. Brandenburg's trying to clarify the minor technical,
6 typographical errors which may be contained in Mr.
7 Gdanski's testimony, I believe that, if we can operate
8 on a good faith basis, that it was not Mr. Gdanski's
9 intent to deceive the utilities by mistakenly putting
10 March instead of May, that we may be able to cover this
11 area much more quickly.

12 And I would hope that Mr. Bandenburg doesn't
13 intend to take Mr. Gdanski's testimony line by line,
14 asking whether each word may or may not be in error. If
15 there are typographical errors, could we just go through
16 them quickly, Mr. Brandenburg, and perhaps ask Mr.
17 Gdanski to correct them if necessary?

18 MR. BRANDENBURG: This is the only one I'm
19 asking for at the moment.

20 WITNESS KRALIK: Yes. The actual appendix is
21 May 13th.

22 MR. BRANDENBURG: I asked, Mr. Thorser,
23 because this was apparently a meeting at which some
24 remarks of FEMA prepared subsequently to the March 3rd
25 drill were discussed.

1 BY MR. BRANDENBURG: (Resuming)

2 Q Let's turn to page 1 of your prefiled
3 testimony, if we may, Mr. Gdanski.

4 A (WITNESS GDANSKI) Uh-huh.

5 Q You indicate that your interest in Indian
6 Point coincided, I believe, with the transportation of
7 nuclear wastes through Rockland County. This is the
8 passage that appears approximately two-thirds of the way
9 down the page.

10 A (WITNESS GDANSKI) Yes, I see it, uh-huh.

11 Q Is it your understanding that nuclear wastes
12 from the Indian Point plants are transported through
13 Rockland County?

14 A (WITNESS GDANSKI) My testimony doesn't say
15 that. It says that nuclear wastes were transported
16 through Rockland County in 1979, and that is why I
17 proposed a permit system subsequently adopted by the
18 health department, and that focused my attention on the
19 existence of Indian Point so close to Rockland County.

20 Q Is it your present understanding that
21 radiological wastes --

22 MR. THORSEN: Your Honor, I don't think this
23 is relevant.

24 JUDGE CARTER: Proceed.

25 MR. BRANDENBURG: Well, let me ask a

1 preliminary question that may solve this.

2 BY MR. BRANDENBURG: (Resuming)

3 Q Does your testimony in this proceeding address
4 only the possibility of a radiological accident
5 occurring at the Indian Point site on the one hand, or,
6 on the other hand, does it also address what you
7 consider to be the risks associated with nuclear
8 transportation accident situations?

9 A (WITNESS GDANSKI) I am sorry, I didn't follow
10 the question. Could you repeat it?

11 MR. THORSEN: Your Honor, I would object to
12 the importance of the witness' knowledge of what this
13 proceeding --

14 JUDGE CARTER: Let the question be asked.

15 BY MR. BRANDENBURG: (Resuming)

16 Q Does your testimony address our plant
17 accidents alone, Mr. Gdanski, or does it also address
18 accidents occurring in connection with transportation?

19 A (WITNESS GDANSKI) My role in connection with
20 the subcommittee was specifically focused on the
21 question of Indian Point and it has nothing to do with
22 the transportation of nuclear wastes, which is a
23 separate issue which we addressed.

24 Q And do I understand your present testimony
25 does not address transportation accidents?

1 A (WITNESS GDANSKI) That is correct.

2 MR. BRANDENBURG: I can therefore leave this
3 line, Mr. Chairman.

4 BY MR. BRANDENBURG: (Resuming)

5 Q Mr. Gdanski, will you explain to us your role
6 in the establishment of the four-county nuclear safety
7 committee?

8 A (WITNESS GDANSKI) In the establishment of
9 that committee?

10 Q Yes.

11 A (WITNESS GDANSKI) I had nothing to do with
12 the establishment of that committee.

13 Q Did you participate or were you a member of
14 that committee at any time?

15 A (WITNESS GDANSKI) Only indirectly. Rockland
16 County was one county of the four counties and we, the
17 legislature of Rockland County, set up a procedure where
18 we would evaluate -- that is, within Rockland County --
19 our response plan. And I was chosen in 1980 as the
20 chairman's designee pursuant to a resolution.

21 Q During 1980 and thereafter, did you attend any
22 meetings of the nuclear reactor safety committee?

23 A (WITNESS GDANSKI) I attended some meetings.

24 Q You stated on the bottom of page 1, continuing
25 on the top of page 2 of your testimony, that those

1 meetings were held on the average of once every three
2 months. What was the period of time in which you
3 participated in the activities of that committee?

4 A (WITNESS GDANSKI) I attended some of them in
5 Westchester during 1981 -- that is, the actual formal
6 four-county committee -- as well as on site at Indian
7 Point.

8 Q Can you state for us the approximate date of
9 the commencement of your participation in the activities
10 of that committee?

11 A (WITNESS GDANSKI) The participation in the
12 review of Rockland County's role in that committee goes
13 back --

14 Q I am speaking now to your personal
15 participation, Mr. Gdanski.

16 A (WITNESS GDANSKI) Well, if I could explain
17 that, there was a resolution dated December 16, 1980,
18 Rockland County legislature, appointing a Rockland
19 County emergency response review committee. That
20 committee reviewed our staff participation in the
21 four-county task force. There were always
22 representatives of Rockland County at those meetings,
23 not necessarily myself.

24 My specific involvement dates back to December
25 16, 1980, in reviewing the activities of our county's

1 participation in that four-county task force. I was not
2 necessarily present at all formal meetings of the
3 four-county task force.

4 Q From December 1980 to the present time, what
5 is your understanding, if you have one, as to the number
6 of occasions on which the four-county nuclear safety
7 committee has met?

8 A (WITNESS GDANSKI) I don't have an exact log
9 of the number of meetings. I know they were very
10 frequent.

11 Q And how many such meetings did you personally
12 attend?

13 A (WITNESS GDANSKI) Two or three.

14 Q In connection with those meetings, Mr.
15 Gdanski, did you take any notes?

16 A (WITNESS GDANSKI) I did, and I have them in
17 some files, not necessarily with me.

18 Q Do those writings record your impressions
19 generated as a result of your attendance at those
20 meetings?

21 A (WITNESS GDANSKI) They may or may not. I
22 would have to review them if I could find them.

23 MR. BRANDENBURG: Mr. Chairman, I would like
24 to ask that the written materials which Mr. Gdanski
25 indicates he prepared during the course of his

1 participation in the activities of the four-county
2 nuclear safety committee be produced for our
3 examination.

4 MR. THORSEN: Your Honor, this entire line of
5 questioning, including this last request, is well
6 outside the scope of cross-examination, of direct
7 examination. Mr. Gdanski makes one reference in his
8 testimony to the fact that he was appointed a designee
9 to the safety committee, and he mentions -- I don't know
10 that he mentions that he attended any meetings or that
11 meetings were held.

12 I don't know really see any need for this
13 in-depth examination in this area, nor do I see any need
14 at all for the production of the notes that Mr. Gdanski
15 may or may not have taken.

16 MR. BRANDENBURG: Mr. Chairman, I believe he
17 testified he attended two or three meetings of this
18 committee. Throughout the testimony he expresses his
19 opinions as to the functioning of radiological emergency
20 planning in Rockland County. I don't think it requires
21 much of an inference to conclude that such points of
22 view were affected by his participation in the
23 activities of that committee, and I think it is highly
24 relevant to the witness' state of mind as expressed in
25 his testimony.

1 MR. THORSEN: And by the same token, the
2 entire Exhibit B was a document that was accepted as a
3 state of mind. Yet, there was an objection by the
4 utilities to its introduction, and now we have, it
5 seems, a turn-around where the utilities are actually
6 requiring that we produce information which reflects
7 upon the state of mind.

8 Judge, I just think that it is not productive,
9 this line of questioning, and perhaps direction by the
10 bench that we leave this area would be helpful.

11 MR. BRANDENBURG: Mr. Chairman, I'm not
12 suggesting these documents be introduced.

13 JUDGE CARTER: Mr. Brandenburg, I'm having
14 difficulty with the lateness of your request and whether
15 you really think there would be something of such
16 consequence. Are you familiar with some prior
17 inconsistent act that the witness took that would
18 indicate that his actions belie his words?

19 I mean, we cannot get involved in discovery
20 when the witness is on the stand. If you wanted to know
21 about this, you could have issued a subpoena to have him
22 bring his papers with him. You could have asked him
23 before on depositions or interrogatories or a motion to
24 produce.

25 MR. BRANDENBURG: Mr. Chairman, as you know,

1 interested states are insulated from the normal NRC
2 rules of practice regarding discovery. I might add that
3 in our December 31 submission on contentions we
4 acknowledged the fact that interested states were not
5 required to state contentions, but we did ask at that
6 time, pursuant to the Rules of Practice, that this Board
7 give some indication to us of the areas of interest in
8 which the interested states wished to participate.

9 The Board saw fit not to act upon that
10 request, and so consequently we are not in a position to
11 anticipate exactly what it is that some of these
12 interested state witnesses might wish to testify to and
13 to receive their testimony.

14 MR. THORSEN: Judge, just to dispute what Mr.
15 Brandenburg has stated regarding the law on discovery
16 and interested states, I don't think it is that clear
17 that interested states are not subject to discovery. In
18 addition, Rockland County stood ready and willing to
19 submit to discovery, formal or informal, at every stage
20 of this proceeding.

21 JUDGE CARTER: In all events, the motion is
22 denied. Proceed with your questions.

23 BY MR. BRANDENBURG: (Resuming)

24 Q Mr. Gdanski, I believe you served as chairman
25 of the subcommittee of the Rockland County legislature

1 whose purpose it was to review the Indian Point
2 emergency response plan; is that correct?

3 A (WITNESS GDANSKI) That is correct.

4 Q When did you first commence your service as
5 the chairman of that subcommittee?

6 A (WITNESS GDANSKI) After the passage of the
7 resolution dated December 16, 1980, within a few weeks
8 of that.

9 Q What were the members of that subcommittee?

10 A (WITNESS GDANSKI) A member of the Rockland
11 County department of health, the sheriff's office, the
12 department of emergency services, and other involved
13 groups, Red Cross, fire department, et cetera.

14 Q Who selected the membership of that
15 subcommittee?

16 A (WITNESS GDANSKI) The initial representation
17 was in the legislature's resolution. And as the
18 committee reviewed, we added. We did not strictly limit
19 participation. Anybody that we thought could be of
20 help, we certainly let them sit in on the meetings.

21 Q How was it you came to serve as the chairman
22 of that subcommittee?

23 A (WITNESS GDANSKI) I expressed an interest to
24 do so.

25 Q Will you tell us the circumstances under which

1 that occurred, please? ,

2 A (WITNESS GDANSKI) Yes. I asked the chairman
3 to serve as committee chairman of this particular
4 committee.

5 Q And when was this request given?

6 A (WITNESS GDANSKI) I don't recall. It goes
7 back to 1980. It could have been contemporaneous with
8 our discussion of the resolution, prior to or a week
9 after. I really don't recall, but it was on or about
10 December 16, 1980.

11 Q Did you state a reason to the chairman why you
12 would like to serve as the subcommittee chairman?

13 A (WITNESS GDANSKI) I did not, but it was
14 always my express, publicly declared interest. I'm sure
15 everyone knows I closely monitored Indian Point as a
16 result of the nuclear waste transport system.

17 Q Now, Mr. Gdanski, are there any records of the
18 Rockland County subcommittee to review the Indian Point
19 emergency response plan, other than the testimony
20 appearing as Exhibit B to your testimony?

21 A (WITNESS GDANSKI) There was another public
22 hearing which was held on April 15th, 1981,
23 approximately a year earlier to the introduced exhibit,
24 and I can offer that or make it available for your
25 review. There were notes held by the department heads

1 who participated in those meetings. They actually took
2 the written notes, the various department heads.

3 Q Did the subcommittee generate any reports,
4 collect any surveys, prepare any minutes, things of that
5 sort?

6 A (WITNESS GDANSKI) Not other than what I have
7 alluded to.

8 Q Now, other than the two meetings to which you
9 referred, did the subcommittee meet at any other time?

10 A (WITNESS GDANSKI) Yes, it met in a number of
11 meetings other than the public hearings themselves,
12 which were sometimes limited to staff discussion, and
13 others where the public was also invited to attend.

14 Q So some were not public meetings; is that
15 correct?

16 A (WITNESS GDANSKI) Non-public in the sense
17 that there was no public dissemination or participation
18 specifically requested. They were certainly open to the
19 public at any time. But there were a number of working
20 sessions during the day when members of the public could
21 just not conveniently make it to.

22 Q How was the scheduling of these meetings
23 publicized to interested citizens?

24 A (WITNESS GDANSKI) Where possible, through the
25 media. We would notify the radio stations and

1 newspapers. And there were several interested people
2 who managed to keep on top of things, who knew sometimes
3 before we did that these meetings would take place.

4 Q Was it the practice of the subcommittee to
5 review the Indian Point emergency response plan, to
6 invite participation by the State of New York
7 radiological emergency planning group to such meetings?

8 A (WITNESS GDANSKI) Well, you have to
9 understand, this was the Rockland County review only.
10 The four counties themselves worked with a coordinator
11 who had, as I understood, a close coordination with the
12 state itself.

13 But in my review there were members at some of
14 the public meetings of PASNY and Con Edison present. I
15 don't know that we specifically extended an invitation
16 to state representatives. That was probably done
17 through the four-county task force.

18 Q Well, perhaps you can enlighten us as to the
19 mission of the subcommittee. What was its purpose?

20 A (WITNESS GDANSKI) Well, ultimately a decision
21 was going to have to be made, was there a workable,
22 acceptable plan that would satisfy the needs of Rockland
23 County residents. And the way that we felt it could
24 best be decided was, after a review, after cooperation
25 by the staff and after public hearings.

1 Now, we in Rockland are obviously interested
2 in Rockland's plan, and therefore we had a subcommittee
3 to review the proposed plan. And that culminated,
4 again, in our decision to withdraw from the four-county
5 task force.

6 Q Do I understand your testimony to be that the
7 purpose of the subcommittee was to review the Rockland
8 County plan and its acceptability?

9 A (WITNESS GDANSKI) That is correct.

10 Q And in connection with an evaluation of that
11 Rockland County plan, what efforts did the subcommittee
12 make to evaluate the communication between the licensees
13 and Rockland County as provided for in that plan?

14 A (WITNESS GDANSKI) Well, in great part our
15 decision was based on the testimony and the statements
16 of our department heads. We are not technical experts
17 on this. We listened to our department of emergency
18 services, our health department.

19 And as things progressed in terms of the
20 various revisions to the plan itself, these individuals
21 would inform me, as well as other members of the
22 legislature, that we have now reviewed the third version
23 of the plan, we're now working on the fourth version of
24 the plan, we are attempting to get this type of
25 information from the licensee, this type of obligation

1 or commitment for funding. And they themselves
2 contacted the licensees.

3 Does that answer your question?

4 (Pause.)

5 Q Possibly.

6 JUDGE CARTER: Who contacted the licensees?

7 WITNESS GDANSKI: Our staff departments, our
8 working people, individuals who will be testifying
9 subsequently in this hearing. And they were in
10 attendance at the public hearings themselves,
11 representatives of the licensees.

12 BY MR. BRANDENBURG: (Resuming)

13 Q Now, to what extent did the subcommittee
14 explore the interrelationship between the state
15 department of health and the state radiological
16 emergency planning group, such as what occurred during
17 the course of a radiological emergency?

18 A (WITNESS GDANSKI) Okay. One obvious
19 commitment that had to be made was a commitment of
20 funding, and we repeatedly explored that avenue with the
21 state personnel because it was obvious that we here in
22 Rockland did not have the funds to implement this plan
23 and that money must come from either the state or the
24 federal government.

25 And there were numerous discussions between

1 representatives of our county staff and state people as
2 to a commitment for funding. We have not received a
3 penny, or certainly within the last month we have not
4 yet received a penny, to reimburse us for our in-house
5 expenditures of time. Nor have we received a written
6 commitment yet that the money that would be necessary to
7 implement the plan would be forthcoming.

8 Q My question relates, Mr. Gdanski, not to
9 funding, but to the interaction between representatives
10 of the state and the representatives of the county that
11 will be called into play were an accident to occur.

12 A (WITNESS GDANSKI) I think that could best be
13 answered, again, by the staff, the department heads who
14 deal with the state. And it is my understanding they,
15 again, will be testifying.

16 Q Are you aware, as chairman of the
17 subcommittee, of whether or not the subcommittee
18 conducted an investigation of the manner, quality,
19 extent, and so on, of the interaction that would occur
20 between the county officials and the state officials'
21 were an accident to occur?

22 A (WITNESS GDANSKI) Yes, this is one of the
23 things that puzzled us, frankly, the question of a clear
24 demarcation of responsibilities, as to who would do what
25 in the event of an emergency. And we never received

1 precise answers.

2 By "we" I mean the committee receiving input
3 from our department heads after discussions with state
4 and federal people as to who would play what role in the
5 event of an actual emergency.

6 Q So I understand your testimony would be there
7 were discussions between the county department heads and
8 the state officials?

9 A (WITNESS GDANSKI) That is my understanding,
10 that the various department heads always touched base
11 with their counterparts at the state level, whether it
12 be the department of health or the department of
13 transportation or in emergency planning.

14 Q Do you have any personal knowledge as to the
15 extent -- of the extent to which members of the Rockland
16 County subcommittee to review the Indian Point emergency
17 response plan communicated with their opposite numbers
18 in state government?

19 A (WITNESS GDANSKI) Personally, I was not
20 present, except that I had met Mr. Davidoff on a number
21 of occasions. At organizational meetings sponsored by,
22 let's say, the New York State Association of Counties,
23 where we would discuss what was happening vis a vis
24 approval or review of the various emergency response
25 plans. But I was not present at all meetings.

1 Q As the subcommittee chairman, did you ever
2 give direction to the members of the subcommittee to
3 communicate with state or licensee officials with whom
4 they would be called to interact in the event of an
5 emergency?

6 A (WITNESS GDANSKI) Did I give them
7 instruction? I urged them to, obviously, communicate
8 with their respective counterparts.

9 Q Can you describe for us the situation under
10 which such urgings occurred?

11 A (WITNESS GDANSKI) Well, primarily to pursue
12 the question of funding. That was our prime
13 consideration, and for technical expertise outside their
14 bailiwick.

15 Q Well, I mean, did you have a kickoff meeting
16 shortly after December 1980, Mr. Gdanski, in which you
17 told department heads, fan out into the field and talk
18 to your opposite numbers at state government, or not?

19 A (WITNESS GDANSKI) After appointment as the
20 chairman's designee to this committee, we did have
21 working sessions and we tried to say, let's give this
22 our honest commitment to attempting to draft the plan.
23 It was always my individual concern that there be a plan
24 to protect the citizens of Rockland County. I felt
25 personally the licensee should not be permitted to

1 operate in the interim.

2 But I felt that, hopefully, back in 1980, that
3 a plan could be drafted, and to achieve that we had the
4 good faith cooperation and countless hours spent by our
5 department staff, as well as volunteer groups within the
6 county who were not getting paid, such as volunteer
7 firemen and Red Cross officials.

8 MR. BRANDENBURG: Mr. Chairman, I move the
9 answer be stricken as nonresponsive to the question.
10 For about three questions now, I have asked Mr. Gdanski
11 to explain to us the extent to which he instructed other
12 members of the subcommittee to talk to their opposite
13 numbers at state government, and I have yet to hear an
14 answer. Now, this last answer was totally nonresponsive
15 to the question.

16 WITNESS GDANSKI: Could I have the record read
17 back?

18 JUDGE CARTER: I really thought he answered
19 the question. I really think he did, Mr. Brandenburg.

20 Are you asking for dates and times of specific
21 orders for A to talk to B?

22 MR. BRANDENBURG: If Mr. Gdanski has those, I
23 would be happy to receive them. I am trying to get a
24 handle on the general extent to which the subcommittee
25 sought out relevant information to its mission or put

1 blinders on itself with some preconceived notion to the
2 outcome of its activities.

3 JUDGE CARTER: But Mr. Brandenburg, it was on
4 the basis of that that we granted your objection to the
5 actual information. And we find ourselves now in a
6 position, you have objected to the sworn testimony in a
7 transcript, and yet now you want informal information
8 which is of the same nature. I see an inconsistency
9 there.

10 The action of the body in the view of the
11 Board turned out to be the determinative thing, and we
12 were not going to get into a discussion of each and
13 every piece of information that reached the board. And
14 that is why we struck the testimony.

15 MR. BRANDENBURG: I am merely attempting to
16 inquire into the fairness of the inquiry conducted by
17 the subcommittee into the adequacy of the radiological
18 emergency response planning in Rockland County. I am
19 not seeking every little snippet of information that may
20 have come into Mr. Gdanski's possession.

21 JUDGE CARTER: Well, it sounds like it.

22 Why don't you merely ask him, what did you do
23 as the head of the committee, what was your
24 responsibility and what did you do and how did you carry
25 it out?

1 MR. BRANDENBURG: I asked him what
2 instructions he gave to other members of the
3 subcommittee to seek out relevant information from
4 license people and state people with whom they would be
5 interacting, and I don't believe I have yet received an
6 answer.

7 JUDGE CARTER: He said he was trying to work
8 out a plan. Now, do you want him to tell you what he
9 told the health department, what he told the fire
10 department, what he told the police department? Is that
11 what you are interested in?

12 MR. BRANDENBURG: If he gave separate
13 instructions to each of those, that is indeed the case.
14 I'm seeking to find out what instructions, as the
15 subcommittee chairman, Mr. Gdanski gave to the other
16 members of the subcommittee in terms of the type of
17 information they should be seeking from other
18 organizations with whom they would be called upon to
19 interact in the event of radiological emergencies.

20 MR. CZAJA: Judge, I think this is also
21 probative in a whole other area, and that is if, under
22 question 3, the Board is going to report to the
23 Commission on deficiencies in emergency planning, it is
24 going to have to report on the source of those
25 deficiencies. And there has been some conflict as to

1 whether it is the state or the counties, and I think Mr.
2 Brandenburg's questioning goes to a proper inquiry as to
3 the extent the county has been bringing these problems
4 to the attention of the state.

5 JUDGE CARTER: That is not what he asked, Mr.
6 Czaja. He was asking what did you, Mr. Gdanski, tell
7 the individual employees of the county. And it seems to
8 me that that doesn't really move the ball ahead, and it
9 presents an almost impossible task, unless the witness
10 is advised in advance to bring all of his records to the
11 hearing.

12 MR. BRANDENBURG: Mr. Chairman, this witness
13 guided the activities of this subcommittee, which
14 reached a conclusion on the adequacy of radiological
15 emergency planning in Rockland County that forms the
16 basis for this witness' testimony. Now, it cannot be,
17 it seems to me, of any higher relevance than to know
18 what instructions Mr. Gdanski gave to his subcommittee
19 as to the type of information they should be seeking.

20 JUDGE CARTER: Well, he gave a general answer.
21 Now you want to know specifically what he gave to each
22 individual executive or person working. Ask him that
23 question.

24 MR. BRANDENBURG: If he has a present
25 recollection, fine. I don't believe we've had a general

1 statement on the general instructions he gave to the
2 members of the subcommittee as to the type of
3 information they should be seeking out.

4 JUDGE CARTER: You want to know what he asked
5 each of the employees, what he directed them to do and
6 what information they were to seek.

7 Can you answer that, Mr. Gdanski?

8 MR. BRANDENBURG: My answer has been confined
9 to the subcommittee.

10 WITNESS GDANSKI: I must say that in large
11 part our roles were guided by the receipt of a prepared
12 emergency response plan from consultants retained by Con
13 Edison and PASNY. That is what precipitated the
14 resolution in the subcommittee.

15 We worked off of plan revision 0 of the plan,
16 prepared by EDS and Parsons. Now, in that plan there
17 were different scopes of responsibilities for different
18 departments: health department, ambulance, fire,
19 transportation. Therefore, we tried to draw
20 representatives from those different, distinct
21 departments of Rockland County on our committee, and
22 obviously each one would review the role they were to
23 carry out in the event of an emergency.

24 JUDGE CARTER: How did you do it? How did you
25 do it?

1 WITNESS GDANSKI: How did I do what?

2 MR. BRANDENBURG: How did you carry that out
3 in order to go over what was presented to you?

4 WITNESS GDANSKI: We met with the
5 representatives of the various departments, and we
6 started off with the first being a review of the written
7 plan. I asked each department head for their designee
8 to go back and review what their role would be in the
9 event of an emergency, could they fulfil it, and that is
10 what precipitated our review.

11 JUDGE SHON: So the information you asked each
12 department head for you from each department was, what
13 was his role and could he fulfil it?

14 WITNESS GDANSKI: Exactly.

15 JUDGE CARTER: Next question.

16 BY MR. BRANDENBURG: (Resuming)

17 Q And in each department, did you ask them, in
18 evaluating what their role would be, to engage in
19 communication with other agencies, be it federal state,
20 or representatives of the licensee with whom they would
21 be called upon to interact in the event of a
22 radiological emergency?

23 A (WITNESS GDANSKI) Yes. We laid no boundaries
24 and we had no clearcut definitions at that time, or no
25 conclusions were reached at the outset back in 1980.

1 And I found, in discussing this with representatives of
2 the committee, that each of them would go as far as
3 necessary.

4 I know our health department personnel touched
5 base with state health department people and with the
6 licensees themselves, as well as with outside
7 consultants, as well as research in expert technical
8 journals that are published on the subject. Each
9 department can go as far as necessary in gathering the
10 information.

11 Q Did you so instruct them, Mr. Gdanski, or is
12 this merely your understanding of what they did?

13 A (WITNESS GDANSKI) No, I instructed them.

14 Q I didn't hear the answer.

15 A The answer is yes.

16 Q Now, which version of the Rockland County
17 radiological emergency response plan was the one
18 reviewed by the subcommittee, the subcommittee of which
19 you were the chairman?

20 A (WITNESS GDANSKI) There were several
21 different versions. We started with the version in
22 effect the day of the committee's inception, which was
23 in December 1980, and as I understand it it went through
24 several further revisions.

25 Q Which was the version you commenced your

1 investigation with in December 1980, if you recall?

2 A (WITNESS GDANSKI) I would defer to our
3 director of emergency services. The resolution says
4 Revision 0 and we worked with the latest received draft
5 in effect on that date.

6 Q And it was your understanding there were a
7 number of subsequent drafts, Mr. Gdanski?

8 A (WITNESS GDANSKI) That is correct.

9 Q What is your understanding as to the number
10 and frequency of those revisions?

11 A (WITNESS GDANSKI) It is my understanding the
12 plan went through three or four different revisions.

13 Q And what is your understanding as to how those
14 revisions occurred?

15 A (WITNESS GDANSKI) Well, I know how we
16 functioned. The committee would review each latest
17 revision and then that would go back and there would be
18 some discussion with the EDS and with Parsons,
19 Brinkerhoff, who were the consultants retained, and then
20 they would either update or not update different
21 segments of the plan.

22 Q Did you participate in such discussions?

23 A (WITNESS GDANSKI) No, the staff did that
24 directly, although, again, representatives of the
25 consultants were at the public hearings.

1 Q Did you receive reports from the various
2 department heads as to the quality or content of their
3 discussions with the consultants, Parsons and EDS?

4 A (WITNESS GDANSKI) Yes, I specifically asked
5 them for two written reports dealing with two different
6 areas. One is the ability to meet the plan and the
7 other cost estimates to carry it out.

8 Q And what information did you receive about the
9 communications had between the consultants and your
10 department heads on the ability to carry out the plan?

11 A (WITNESS GDANSKI) A number of departments
12 expressed severe reservations about the ability to carry
13 out the scope of their responsibility in the event of an
14 actual emergency, even after discussions with the two
15 consultants.

16 Q Maybe my question wasn't clear, Mr. Gdansky.
17 I'm addressing your understanding of the communications
18 had between the consultants and your department heads.

19 A (WITNESS GDANSKI) I would have to go back and
20 review each different report from the different
21 departments.

22 Q It is your general understanding that the
23 different department heads did meet and discuss and give
24 feedback to the consultants on the successive
25 revisions?

1 A (WITNESS GDANSKI) I know they attempted to do
2 so on a number of occasions. There was satisfaction
3 expressed by the department heads on their ability to
4 receive updates from the consultants or the ability of
5 consultants to cooperate with requests to revise. I
6 know under certain situations a department head would
7 say on a number of occasions he had specifically called
8 to the attention of the consultants a deficiency in the
9 report which was not remedied.

10 But to give you a precise answer I would have
11 to go back and review each written report.

12 Q Are these deficiencies in the report or
13 deficiencies in the draft plan, Mr. Gdanski?

14 A (WITNESS GDANSKI) The draft plans as
15 enunciated in the written report.

16 Q Would you describe for us which written report
17 it is you are referring to?

18 A (WITNESS GDANSKI) I am referencing a written
19 report from each department head to myself as chairman
20 of the subcommittee.

21 Q Did those reports form the basis for your
22 opinions expressed in the testimony here today?

23 A (WITNESS GDANSKI) Partially.

24 MR. BRANDENBURG: I think we would like to see
25 those, Mr. Carter. The footprints of the witness'

1 testimony lead direct to these documents.

2 JUDGE CARTER: Do you have the documents?

3 WITNESS GDANSKI: I may not have them
4 personally. They may be kept in the files held by the
5 county attorney's office.

6 JUDGE CARTER: Describe them.

7 WITNESS GDANSKI: Again, the parameters we
8 were operating in was to come up with the best possible
9 plan, and to do that I would need written reports from
10 department heads as to deficiencies, remedy and cost
11 evaluations, and I so instructed our department heads to
12 come back with written reports, and those are probably
13 either held by our county attorney's office with a copy
14 for the respective department heads.

15 MR. THORSEN: Your Honor, I would again -- I
16 would just object to the lateness of this request at
17 this point in time. We would like to present a number
18 of witnesses over the next couple of days. I don't
19 really know to what extent these written reports,
20 wherever they are maintained, would be helpful or
21 informative.

22 Many of these written reports were submitted
23 by people who will be testifying over the next few
24 days. Perhaps it would be helpful if a request were
25 made to each of the witnesses. I could make this

1 request over the telephone, to bring with them at the
2 time they come in to testify whatever written report
3 they may have submitted to Mr. Gdanski's subcommittee.

4 MR. BRANDENBURG: Of course, Mr. Chairman, the
5 value of the reports at this time is in the effect they
6 had on the thought processes of this witness and the
7 opinions he has expressed. He did indicate a few
8 minutes ago that he relied partially upon these reports
9 in preparing this testimony. There was no previous
10 indication to us, no hint that there were any such
11 reports, nor could we have asked for them subsequent to
12 May 31, at which time, Your Honor will recall, discovery
13 on questions 3 and 4 terminated pursuant to the Board's
14 April 23rd order.

15 WITNESS GDANSKI: Your Honor, if I can, the
16 substance of the crux of these reports are contained in
17 the testimony of the public hearings. There may be
18 others that are not.

19 JUDGE CARTER: Did the reporter testify at the
20 hearing? Did the people who were working for you in
21 this regard come to the hearing and present their
22 reports orally?

23 WITNESS GDANSKI: That is correct.

24 JUDGE CARTER: Who were they?

25 WITNESS GDANSKI: Working with the most recent

1 version of the public hearing, that is the one held in
2 May of 1982, representing the health department at that
3 time was Dr. Hyman, who is the health department; for
4 the department of social services, I believe he had a
5 deputy present. He may have had a written submission if
6 he was out of town.

7 For the sheriff's department, the chief was
8 tied up with other events and therefore submitted a
9 written report which was read into the record by the
10 county attorney's office. I believe for the
11 transportation department we had a newly appointed
12 transportation head, Mr. Spiegel, and so on.

13 I mean, I could go through the litany of the
14 departments involved.

15 JUDGE CARTER: Were there any reports that
16 were not included in there?

17 WITNESS GDANSKI: To give you a precise
18 answer, I would have to go back and read the files. I
19 don't believe so.

20 MR. CZAJA: Judge, I might be able to respond
21 to that. On page 45 of the transcript of the hearing,
22 Mrs. Fleisher is complaining, "When I think it comes to
23 the cost problem, but we haven't heard from these
24 agencies at all today, how much they expected it to cost
25 them to be properly outfitted."

1 WITNESS GDANSKI: That references testimony
2 given at that precise date. There were earlier staff
3 sessions where the written reports were submitted that
4 showed the cost estimates. They may not necessarily
5 have been repeated.

6 JUDGE CARTER: Mr. Brandenburg, do you want
7 the cost estimates?

8 MR. BRANDENBURG: No, I want to see our
9 reports that Mr. Gdanski solicited, that he received
10 from Rockland County department heads, that he
11 subsequently relied upon in forming the opinions which
12 comprise his testimony in this proceeding.

13 JUDGE CARTER: Don't you think the most
14 trustworthy information would be the May 13, 1982, where
15 they testified, unless you intend to prove that they
16 lied in their testimony and their reports are
17 different?

18 Judge Shon has a question.

19 JUDGE SHON: Mr. Gdanski, do you have a list
20 of the witnesses who are scheduled to appear before us?

21 WITNESS GDANSKI: I am aware of those
22 witnesses.

23 JUDGE SHON: Are you enough aware of them to
24 say whether the opinion that you formed in the action of
25 your committee was based upon information obtained from

1 people other than those people, or reports other than
2 reports they would have had anything to do with?

3 MR. THORSEN: May I show Mr. Gdanski a witness
4 list?

5 JUDGE SHON: Certainly.

6 JUDGE CARTER: Do you understand the question,
7 Mr. Gdanski?

8 WITNESS GDANSKI: I believe the question was,
9 did I rely on those witnesses who were planning to
10 testify or others who will not testify.

11 JUDGE SHON: That is correct.

12 WITNESS GDANSKI: My personal decision was
13 influenced in great part by the sheriff's department,
14 and I see that Mr. Kralik will be testifying. That's
15 number one.

16 Also, I personally considered the opinions of
17 our health department to a great extent, and I see
18 representatives of the health department will be
19 testifying.

20 JUDGE CARTER: Who are they?

21 WITNESS GDANSKI: Mr. McGuire.

22 JUDGE CARTER: There are two McGuire's.

23 WITNESS GDANSKI: No, Mr. James McGuire is
24 from the health department.

25 So the opinions recommended to me personally

1 will be adequately testified to before this Board by
2 subsequent witnesses.

3 JUDGE SHON: Mr. Thorsen, I believe you
4 offered to have these witnesses bring with them the
5 reports they might have submitted to Mr. Gdanski, is
6 that right?

7 MR. THORSEN: I offered to call them and
8 request they bring in whatever reports they had.

9 WITNESS GDANSKI: I also indicated that was
10 only partially the basis of my opinion. Others were the
11 comments solicited from and received from members of the
12 public, some of whom are here as Intervenors, most of
13 whom are sitting out there.

14 JUDGE SHON: But insogar as you made up your
15 mind on the basis of reports submitted by heads of
16 departments and experts in their field, if you wish, or
17 at least persons charged with responsibilities of that
18 sort, the material that you received and based your
19 opinion on would all be supplyable through the mechanism
20 of bringing along reports that might have gone to you by
21 the witnesses who will appear subsequently as far as you
22 know; is that correct

23 WITNESS GDANSKI: That is correct, if they
24 have them available.

25 JUDGE SHON: Mr. Brandenburg, might that not

1 be a better way? Might that not make better evidence,
2 to have the people who wrote the reports present them?

3 MR. BRANDENBURG: Very fine, Judge Shon. If
4 Mr. Thorsen can provide them to us a day or so in
5 advance of the appearance of these department heads, I
6 think that will be fine.

7 JUDGE CARTER: You're too late. They'll be
8 here today or tomorrow and you can look at them, or you
9 can look at them tonight, and you can look at them --

10 MR. BRANDENBURG: Any way is fine with me. I
11 do have a lingering concern over whether we have
12 identified all of the departments that participated in
13 the Rockland County subcommittee, upon whose judgment
14 Mr. Gdanski relied upon.

15 BY MR. BRANDENBURG: (Resuming)

16 Q I believe you mentioned the sheriff's
17 department, Mr. Gdanski, and the health department.
18 What were the other departments whose resources you
19 called upon in connection with the activities of the
20 subcommittee?

21 A (WITNESS GDANSKI) Well, a lot of it was just
22 plain common sense. If you go down 306 or any of the
23 mainly traveled routes, if you're familiar with traffic
24 congestion, if you go through the county on Route 59.
25 Personal observation is I can't move on a busy crowded

1 day during rush hour. That is the kind of common sense
2 I utilized also.

3 MR. BRANDENBURG: Mr. Chairman, I move to
4 strike that answer. The question clearly related to
5 which departments Mr. Gdanski called upon to supply
6 information to him in connection with the subcommittee.

7 WITNESS GDANSKI: I had to get it in.

8 JUDGE CARTER: Any other departments, Mr.
9 Gdanski?

10 WITNESS GDANSKI: No, sir.

11 BY MR. BRANDENBURG: (Resuming)

12 Q How about the office of emergency services?

13 MR. THORSEN: That will be presented by Don
14 McGuire, who will testify here.

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1 JUDGE CARTER: On his comments relating to the
2 right conditions?

3 MR. BRANDENBURG: Yes, the question related to
4 what departments he relied upon.

5 WITNESS GDANSKI: I didn't interpret the
6 question that way.

7 JUDGE CARTER: He said, sheriff, health, and
8 did you rely on Don McGuire, the Office of Emergency --
9 what was that?

10 MR. THORSEN: Services.

11 WITNESS GDANSKI: To a lesser extent.

12 JUDGE CARTER: To a lesser extent. The answer
13 with regard to his inability to move in a traffic jam is
14 stricken.

15 MR. BRANDENBURG: Thank you, Mr. Chairman.

16 BY MR. BRANDENBURG: (Resuming)

17 Q What other departments, Mr. Gdanski,
18 participated in the review beyond the sheriff's
19 department, the health department, and the Office of
20 Emergency Services?

21 A (WITNESS GDANSKI) The Department of Social
22 Services, I believe.

23 Q Any others?

24 A (WITNESS GDANSKI) There was a representative
25 of the Red Cross. That is not officially a county

1 department, but there was a representative representing
2 a coalition of the various Red Cross districts within
3 Rockland County. Mr. Bowers, I believe his name is.
4 There was a representative from BOCES, which is the
5 Board of Cooperative Educational Services, who is acting
6 as the liaison for the school districts. I relied on
7 their representations with both the specific
8 individuals. Their comments may not have been reduced
9 to writing. I don't know. I relied on their oral
10 presentations. That is probably it.

11 MR. THORSEN: I believe the transit
12 coordinator.

13 WITNESS GDANSKI: Yes, the transit
14 coordinator.

15 JUDGE CARTER: What is his name?

16 WITNESS GDANSKI: Leonard Spiegel.

17 BY MR. BRANDENBURG: (Resuming)

18 Q Mr. Gdanski, do you have before you the list
19 of witnesses from Rockland County that I believe was
20 supplied to you by Mr. Thorsen?

21 A (WITNESS GDANSKI) No, Mr. Thorsen took it
22 back. I have another copy here. Okay, yes, I do.

23 Q Will representatives of all of those
24 departments which you just listed be testifying
25 subsequently this week?

1 A (WITNESS GDANSKI) Well, Spiegel I see is
2 listed specifically. Ruth Northrop is Department of
3 Social Services. Cralich represents the sheriff's
4 department, Mr. McGuire the health department. Another
5 Mr. McGuire, director of emergency services. And I
6 don't know if your question is limited just to
7 departments or other bases which form my opinion. Just
8 the departments?

9 MR. THORSEN: No, no, let me clarify. The Red
10 Cross --

11 WITNESS GDANSKI: No, I was referring to
12 something else, to Dr. Flicker, who will be testifying,
13 yes, and those civic groups also led to the formulation
14 of my opinion.

15 MR. THORSEN: There are non-county personnel
16 he is also listing, but the people I believe he read off
17 I believe are the only county personnel who are involved
18 in the subcommittee.

19 BY MR. BRANDENBURG: (Resuming)

20 Q What other persons do you rely upon, Mr.
21 Gdanski, that are not county officials? I believe you
22 mentioned Dr. Flicker as an example. Were there others?

23 A (WITNESS GDANSKI) Yes, there were a number of
24 others.

25 Q Would you just list them?

1 A (WITNESS GDANSKI) I could turn around to the
2 audience and point them out to you.

3 Q If you list them, that would be sufficient.

4 JUDGE CARTER: Excuse me. Mr. Brandenburg, if
5 we get into that kind of questioning, and I am sure you
6 are going to ask him to bring in all of his
7 correspondence from every member of Rockland County that
8 wrote to him about this, now, I really wonder where you
9 are going with that.

10 WITNESS GDANSKI: If I had offered a petition
11 containing these names, I am sure he would have offered
12 a motion to strike.

13 JUDGE CARTER: I want to help you do your job,
14 but at the same time, he has answered about all of the
15 employees that have assisted him, and then he is
16 referring to members of the public who are here.

17 MR. BRANDENBURG: He has testified in a number
18 of instances he has relied upon opinions conveyed to him
19 by others, Mr. Chairman, as the basis for his own
20 testimony in this proceeding. I am merely seeking to
21 identify who those individuals might be. He mentioned
22 Dr. Flicker. He mentioned a number of county heads.

23 WITNESS GDANSKI: There are a number of people
24 who are not --

25 JUDGE CARTER: It just seems to me, frankly,

1 Mr. Brandenburg, the question is unrealistic when you
2 are dealing with a legislator. That is the problem. If
3 you are asking a physician who made a report on the
4 basis of other physicians' findings or diagnoses, that
5 is one thing. Were there any experts other than members
6 of the public on whose opinion you relied, or any
7 executives or any person of that nature, rather than
8 just ordinary citizens?

9 WITNESS GDANSKI: No, Your Honor.

10 JUDGE CARTER: I think he has answered the
11 question. There is no one other than citizens.

12 BY MR. BRANDENBURG: (Resuming)

13 Q Mr. Gdanski, did you rely upon the opinions
14 expressed by any of the parties to this proceeding in
15 connection with formulating your opinions as set forth
16 in your testimony here?

17 A (WITNESS GDANSKI) Did I take their opinions
18 as a fact?

19 Q No, did you rely upon them in any fashion in
20 connection with formulating the opinions which are
21 expressed in your testimony?

22 A (WITNESS GDANSKI) On a number of occasions,
23 Mr. Duffy testified from PASNY. I heard his concerns.
24 Representatives from Con Edison were present at some of
25 the meetings. I believe I listened to their input.

1 There were representatives from NYPIRG whom I have
2 listened to and heard, representatives from the Union of
3 Concerned Scientists, just about everyone. I would not
4 say no to anybody.

5 Q And which did you rely upon?

6 A (WITNESS GDANSKI) All of them. I just didn't
7 believe some of them.

8 Q Which ones did you not believe?

9 MR. THORSEN: Your Honor, I believe this line
10 of questioning is not very fruitful, and I ask that Mr.
11 Brandenburg move on to a different area.

12 JUDGE CARTER: He wants to know who Mr.
13 Gdanski believes and doesn't believe.

14 MR. BRANDENBURG: I think that is highly
15 relevant.

16 WITNESS GDANSKI: Your Honor, I would have to
17 make a written observation every time I spoke to
18 someone. The characterization of someone's input to me,
19 I make an assessment at that time when I hear them, as
20 to the veracity, the manner in which they are speaking
21 to me, the scope of what they are discussing with me.

22 JUDGE CARTER: Are you saying that it was not
23 a matter of total disbelief, but a matter of weighting?

24 WITNESS GDANSKI: That is correct, Your Honor.

25 MR. LEVIN: Your Honor, it is the witness's

1 gratuitous statement. I assume he had somebody in mind
2 when he made it.

3 MR. BRANDENBURG: He accepted some opinions
4 and rejected others, Mr. Chairman. I think that is
5 highly relevant to the probity of this witness's
6 testimony.

7 WITNESS GDANSKI: Your Honor, as a practicing
8 legislator, I naturally gauge or weigh the input. As a
9 legislator, comments are given to me, and I will give
10 different weight to different comments. It would be
11 ridiculous now to go back and sit down over a two-year
12 period and say, you know, I rated him at 40 percent.

13 JUDGE CARTER: Mr. Brandenburg, I don't know
14 where this is getting us in terms of the breadth of your
15 inquiry, because we could take the rest of this hearing,
16 the rest of this week and maybe another week to go
17 through each and every opinion that has been reported to
18 Legislator Gdanski. The substantial testimony is to be
19 presented by the people who reported to him. They will
20 all be here. I must ask you to be more efficient and
21 less broad-gauged in your approach. This is not, I
22 submit, a question of veracity and credibility. This is
23 a matter about which reasonable minds can differ, and he
24 said that he put more weight on some than on others. We
25 are not trying to prove a murder case.

1 MR. BRANDENBURG: Mr. Chairman, my question
2 relates to the opinions expressed by Mr. Gdanski that he
3 testified a few moments ago that he did not believe. I
4 think we are entitled to know what those might be.

5 JUDGE CARTER: Mr. Brandenburg, if you insist
6 on doing this, then I will have to let the testimony in
7 that you moved to be stricken, because I see no
8 difference whatsoever between testimony under oath at a
9 legislative hearing and the matters which you bring up.
10 Now, you make your mind up. It is one or the other.

11 MR. HASSLE: Judge Carter, is it clear that
12 the testimony was under oath on May 13th? I don't
13 recall any indication of that. I might be wrong.

14 JUDGE CARTER: Let us assume it is not under
15 oath. The other opinions are not under oath either. So
16 therefore one is as credible as the other, whether or
17 not under oath. He wants to know what people said to
18 him and how the legislator valued it and weighted it and
19 believed in it. Now, one or the other, Mr.
20 Brandenburg. Make up your mind. But in all events, I
21 really don't know where you are going, because it is
22 taking time away from these witnesses who we really want
23 to hear who are the men on the ground who did the work,
24 and the ladies.

25 BY MR. BRANDENBURG: (Resuming)

1 Q Mr. Gdanski, did you attach credence to the
2 representations about emergency planning made to you by
3 NIPERG?

4 A (WITNESS GDANSKI) It is such a blunt
5 question, Your Honor.

6 MR. THORSEN: Your Honor, I believe that falls
7 directly within your line of comments, Judge Carter.

8 JUDGE CARTER: Mr. Brandenburg, I am telling
9 you, I don't care whether he believed NYPIRG or he
10 didn't believe NYPIRG. Now, do you want me to poll the
11 Board? I don't know where you are going.

12 MR. BRANDENBURG: No, Mr. Chairman. If this
13 witness tended to have a disbelief of representation
14 made to him by the state or by the utilities, I think
15 that is highly relevant to whether or not this witness
16 is biased in the opinions he expressed in his testimony.

17 JUDGE CARTER: My recollection is, you did not
18 let him testify to that. That is what Mr. Kaplan
19 wanted, and I said I would not consider that his
20 personal belief on the credibility of the licensees or
21 not. I was interested in the facts.

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1 MR. KAPLAN: I assume that Mr. Brandenburg is
2 withdrawing his objection that you ruled on, so I would
3 be entitled to recross, to go back to this.

4 MR. BRANDENBURG: No, I am not, Mr. Kaplan.
5 Mr. Kaplan's line of questions related to the
6 believability of the licensees in the event of
7 radiological emergencies as to the information that will
8 be provided to the government officials. This is a very
9 different situation and it relates to the information
10 upon which Mr. Gdanski relied upon in forming his
11 opinions about the efficacy of emergency planning in
12 Rockland County.

13 JUDGE CARTER: And then Mr. Kaplan would have
14 a right to ask about every licensee employee that he
15 spoke to and ask him, did you believe him or didn't you
16 believe him, and I really want you to get on to another
17 line of examination, Mr. Brandenburg.

18 MR. BRANDENBURG: I would be happy to do that,
19 Mr. Chairman.

20 BY MR. BRANDENBURG: (Resuming)

21 Q Let's return to the counties or the
22 organizations that you indicated participated in the
23 subcommittee's activities. Will there be
24 representatives from the Red Cross, BOCES, or the
25 transit coordinator, who will be testifying later in

1 this proceeding?

2 A (WITNESS GDANSKI) I don't see a
3 representative from BOCES. I would like to have him
4 testify.

5 MR. THORSEN: I am sorry. Since this is a
6 non-area witness, Mr. Sharp, who is listed as Number 13
7 on our witness list, is a representative of BOCES. My
8 understanding is that he is unavailable this week, and
9 the county will make an effort to present him at a later
10 date when he will be available.

11 WITNESS GDANSKI: I don't recognize the name
12 from the Red Cross.

13 MR. THORSEN: I believe Mr. Ballard will be
14 presented as a witness by West Branch.

15 WITNESS GDANSKI: Several people may be
16 testifying, but not necessarily on behalf of Rockland
17 County. That is why I can't give you a complete answer
18 on that. I am only going from the list furnished to me
19 here.

20 BY MR. BRANDENBURG: (Resuming)

21 Q And the transit coordinator?

22 A (WITNESS GDANSKI) Mr. Spiegel. He is on the
23 list.

24 MR. BRANDENBURG: I think we will return to
25 your point, Judge Shon. With the possible exception of

1 some of the non-governmental personnel, I think we will
2 have through Mr. Thorsen's good offices the various
3 reports that were provided to this witness by the
4 members of the subcommittee. Is that correct, Mr.
5 Thorsen?

6 MR. THORSEN: At the lunch break, I will ask
7 my secretary to contact the various individuals.
8 Unfortunately, in Rockland County we don't have a
9 centralized office. Most of these people are in the
10 area of Pomona, New York. Well, I will ask them to send
11 down by courier copies of the written reports. I don't
12 know if I will be able to receive them in time to
13 distribute them today. Hopefully, tomorrow.

14 JUDGE CARTER: Thank you.

15 BY MR. BRANDENBURG: (Resuming)

16 Q Mr. Thorsen, how did these written reports
17 come into existence?

18 A (WITNESS GDANSKI) I asked for them.

19 Q And how did that take place?

20 A (WITNESS GDANSKI) During the course of the
21 committee's meeting. Unfortunately, I am not a
22 full-time legislator, and I like to have the benefit of
23 written reports to substantiate oral statements at a
24 meeting.

25 Q Did you call the various department heads in

1 one by one, and say, I would like --

2 A (WITNESS GDANSKI) No, it generally took place
3 at either a working session in the county office
4 building in the city or at one of the public hearings.
5 We generally asked them to confirm their position in
6 writing.

7 Q Did you give them a copy of Rev. O, the
8 Rockland County draft plan, and say, please evaluate
9 this and come back to me?

10 A (WITNESS GDANSKI) Well, that is a different
11 question. When we received the initial version of the
12 emergency response plan, we did ask our county
13 employees, the department heads to obviously research
14 and review the written submissions, which were
15 multi-volume, and evaluate them. Now, the written
16 report I think you are referring to is their written
17 report on the deficiencies and cost estimates needed to
18 comply with the various revisions of the emergency
19 response plan.

20 Q When you asked that these reports be prepared,
21 were you already in possession of information that the
22 plans in the view of the various department heads were
23 inadequate?

24 A (WITNESS GDANSKI) No. Our basic start-up
25 premise was physical receipt of the proposed plan. From

1 that, we then learned that there were various
2 deficiencies after a review.

3 Q Did the opinion of various of the Rockland
4 County departments that the plans were deficient come to
5 your attention in any fashion before you received the
6 reports?

7 A (WITNESS GDANSKI) I don't believe so, no.
8 They would not have had the opportunity to review the
9 reports.

10 Q No, no, the written reports that you received,
11 that you solicited from the various county department
12 heads, that Mr. Thorsen is going to be showing us right
13 after the lunch break. Prior to receipt of those
14 reports, you were totally in the dark as to opinions
15 with regard to the radiological emergency response plan
16 that you had requested?

17 MR. HASSLE: Objection. I think the witness
18 has answered the question.

19 JUDGE CARTER: I must have missed something.

20 BY MR. BRANDENBURG: (Resuming)

21 Q Before the submission of the reports, Mr.
22 Gdanski, did you see all the reports from the various
23 department heads as to their views on the adequacy of
24 the draft plans?

25 A (WITNESS GDANSKI) That is correct, before

1 reducing it to writing, yes.

2 Q And how did those opinions come to your
3 attention?

4 A (WITNESS GDANSKI) During workshop sessions in
5 reviewing the emergency response plan.

6 Q I think you testified a few moments ago there
7 were a number of subsequent revisions to the Rockland
8 County Radiological Emergency Plan after the December,
9 1980, draft. Is that correct?

10 A (WITNESS GDANSKI) Yes.

11 JUDGE CARTER: Mr. Brandenburg, do you have
12 much more of this witness? It is almost an hour you
13 have been examining, and if you don't have much more, we
14 will finish with him so he can go about his business.

15 MR. BRANDENBURG: I have considerably more,
16 Mr. Chairman.

17 JUDGE CARTER: Well, let us know when there is
18 a convenient place to break.

19 MR. BRANDENBURG: We could break now, if you
20 would like, Mr. Chairman.

21 JUDGE CARTER: All right. It is almost a
22 quarter of 1:00. We will reconvene at a quarter to 2:00.

23 (Whereupon, at 12:39 p.m., the hearing was
24 recessed, to reconvene at 2:00 p.m. of the same day.)

25

AFTERNOON SESSION

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(1:51 p.m.)

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JUDGE CARTER: Any time you are ready, Mr.

4

Brandenburg.

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MR. BRANDENBURG: Mr. Chairman, I believe you

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indicated this morning that the Board would be prepared

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to entertain remarks from Mr. Thorsen on the subject of

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Mr. Flicker, who made a limited appearance statement in

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January in this proceeding and who, according to 2.715,

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is barred from further participation.

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I think you indicated you wanted to hear his

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response right after lunch on that point.

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JUDGE CARTER: Do you wish to be heard on

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that, Mr. Thorsen?

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MR. THORSEN: Yes, thank you, Judge.

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In addition, I believe there may be other

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Intervenors and interested states who would want to

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comment on this question also. I think it is going to

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become a question that would appear with more frequency

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later in these proceedings, Judge.

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In reviewing the applicable portion of the

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CFR, I don't see a total prohibition on individuals who

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make limited appearance statements also being presented

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as witnesses. In this particular case, the County of

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Rockland was aware that Mr. Flicker had made a prior

1 limited appearance, though apparently he has. I did not
2 have an opportunity to speak with him and find out to
3 what extent the substance of his filed testimony differs
4 from his limited appearance statement.

5 I would ask that the Board permit Mr. Flicker
6 to appear as a witness for the County of Rockland. It
7 appears to me that this is entirely a procedural matter,
8 a matter that has very little to do with the substance,
9 and the Licensees have had Mr. Flicker's testimony since
10 it was served on them in early June, so that there has
11 been no formal application to strike his testimony based
12 on this procedural section, and I would ask that the
13 Board give consideration to permitting Mr. Flicker to
14 testify on behalf of the County of Rockland.

15 JUDGE CARTER: Ms. Posner?

16 MS. POSNER: Yes. Since this probably will be
17 a problem for Parents Concerned About Indian Point as
18 well, I looked at the section that Mr. Brandenburg
19 referred to, and it seemed to me that it would not be
20 inconsistent for the Board to rule that Mr. Flicker
21 could testify, and any other person who made a limited
22 appearance statement could testify as a witness and be
23 available for cross examination and some more testimony,
24 because that section seemed to make a difference, to
25 differentiate between making a limited appearance

1 statement and having the full rights of an Intervenor
2 rather than making a limited appearance statement and
3 appearing as a witness sponsored by a party.

4 JUDGE CARTER: Sir?

5 MR. DIETERICH: Sir, I concur. My comments on
6 this section deal with appearances as far as appearing
7 as a party or an Intervenor or as an interested state.
8 If this section is deemed to preclude witnesses who have
9 testified at limited appearance hearings, that would, if
10 you read that section in that way, that would mean that
11 a person who was subpoenaed could avoid the subpoena by
12 appearing in a limited appearance session, thereby, by
13 Licensee's interpretation, thereby being precluded from
14 giving further testimony. I don't think that is the
15 meaning of this particular section.

16 JUDGE CARTER: Mr. Kaplan, are you going to
17 break tradition and merely nod your head?

18 MR. KAPLAN: I would nod my head, but I would
19 make a motion that should the Board rule, we would move
20 on behalf of New York City Council to subpoena Mr.
21 Flicker.

22 JUDGE CARTER: Mr. Hartzman, any comment?

23 MR. HARTZMAN: I would agree.

24 JUDGE CARTER: Do you want to nod, too?

25 MR. HARTZMAN: I would just like to add for

1 argument, if it would seem that you were to rule they
2 could not even participate as a witness as opposed to a
3 party or Intervenor, it may well preclude valuable
4 testimony from being heard, and I would not think that
5 that was the intent of this rule, this procedural rule.

6 JUDGE CARTER: Mr. Hassle?

7 MR. HASSLE: Staff is of the view that 2.715
8 does provide this Board with the discretion to hear
9 someone who has provided a limited appearance statement,
10 who may in fact want to testify.

11 It appears to us that 2.715(a) was
12 contemplated to reach a situation where you have a
13 non-party who has made a limited appearance statement.
14 It would preclude a non-party as provided in a limited
15 appearance statement from becoming a party.

16 JUDGE SHON: You are in effect saying that
17 what it precludes is someone who has made a limited
18 appearance from cross examining, presenting witnesses,
19 and carrying on all the things with the rights and
20 privileges a party would have.

21 MR. HASSLE: That is right. That is Staff's
22 reading.

23 JUDGE CARTER: Mr. Czaja?

24 MR. CZAJA: Judge, accepting for the sake of
25 argument Mr. Hassle's interpretation of the rule, I

1 think, looking at Dr. Flicker's testimony, we have a
2 perfect case where the Board should not exercise its
3 discretion, if the Board does rule it has the
4 discretion. The testimony is stream of consciousness,
5 hearsay, his own opinions -- he is a Ph.D. in American
6 history. For whatever value that testimony has, the
7 Board has it in his limited appearance statement which
8 very closely tracks the direct testimony.

9 So as I say, accepting that interpretation Mr.
10 Hassle has put forward in this case, given that Dr.
11 Flicker's testimony, given the expedited schedule we
12 have been directed to work under, I think it clearly
13 should be stricken, whether or not the Board has
14 discretion.

15 JUDGE CARTER: Mr. Brandenburg?

16 MR. BRANDENBURG: If the Court rules it does
17 have discretion, I think the remarks of Mr. Czaja are
18 quite apt.

19 I would, however, like to respond very briefly
20 to Mr. Thorsen's remark, that as he reads Section
21 2.715(a) it is not a flat prohibition against testifying
22 subsequent to the time that a limited appearance
23 statement is made.

24 My application simply relies upon the plain
25 meanings of the words "he may not otherwise participate

1 in a proceeding." And I just submit that that wording
2 is very clear. It is not ambiguous that persons are
3 given an option as to whether or not they wish to make a
4 limited appearance statement on the one hand or give
5 testimony that enters the record on another, and in the
6 instance of Mr. Flicker, such a choice has been made,
7 and that all of us are bound by the clear meaning of the
8 words contained in the cited section within the rules of
9 practice.

10 JUDGE SHON: Mr. Brandenburg, do you know of
11 any particular cases or can you cite any specific case
12 where another Licensing Board, or preferably the Appeal
13 Board, has interpreted this section in the manner that
14 you wish to interpret it?

15 MR. BRANDENBURG: May we have a brief moment,
16 Judge?

17 (Pause)

18 MR. CZAJA: Judge Shon, to our knowledge there
19 is nothing either way.

20 JUDGE SHON: If my memory serves me, have
21 been on Boards who did hear limited appearers later as
22 witnesses. If the interpretation is as Mr. Brandenburg
23 has mentioned, that those Boards clearly violated the
24 Appeal Board's rulings. Again, I cannot cite you these
25 personally, but I am sure Black Fox was at least one of

1 them.

2 MR. CZAJA: Perhaps the issue was not raised
3 there, Judge.

4 JUDGE SHON: I believe it was not.

5 MR. BRANDENBURG: That, of course, would have
6 no precedent, if the prohibition of 2.715(a) was not
7 sought to be applied in those other proceedings. I did,
8 Mr. Chairman, or Judge Shon, rather to respond to your
9 inquiry, look for a reported Licensing Board decision
10 addressing this point, and I did not find any. I
11 surmise that the clear meaning of the words has obviated
12 the necessity for that ever to be raised in a reported
13 decision.

14 JUDGE SHON: I am suggesting the meaning was
15 not so clear that other Boards sua sponte would have
16 rejected such testimony. I think you are suggesting
17 that it is indeed a case of first impression.

18 Is that right?

19 MR. BRANDENBURG: I do not know that. I only
20 can represent to you I am unaware of any prior reported
21 decisions on this point, and it is quite possible, such
22 as you suggest, that in other instances where this was
23 not invoked, there was no request made by a person
24 seeking to exclude such testimony.

25 JUDGE SHON: Thank you.

1 MR. DIETERICH: To repeat, I would say that
2 "participating as" would be participating as an
3 Intervenor, a state or a Licensee. In II of the CFR
4 regulation, there is a heading 3 referring to
5 intervention and limited appearances. I think just by
6 this heading, this section 2.715 is dealt with, that
7 this clearly indicates that this is dealing with
8 participation by way of appearance as a party or
9 interested state or Intervenor. It does not refer to
10 giving testimony.

11 JUDGE CARTER: First I would like to make
12 clear the Board is not going to rule on the
13 admissibility of the testimony under Mr. Czaja's
14 motion. At such time as Dr. Flicker is here that will
15 be determined. But the Board holds that 2.715 does
16 relate to the question of party status and does not
17 prevent testimony as a witness for a variety of reasons
18 which we don't have to take the time to go into now.
19 But Mrs. Posner may get her law degree also if you
20 listen to what she said.

21 Okay, can we proceed with questioning of Mr.
22 Gdansk.
23 Whereupon,

24 SAM Z. GDANSKI
25 called as a witness by Counsel for Intervenor County of

1 Rockland, and having been previously duly sworn, was
2 further examined and testified as follows:

3 CROSS EXAMINATION -- RESUMED

4 BY MR. BRANDENBURG:

5 Q Mr. Gdanski, I believe you testified before
6 the luncheon recess that there were a number of
7 revisions to the draft Rockland County plan prepared
8 subsequent to December 1980, is that correct?

9 A (WITNESS GDANSKI) Well, I said there were a
10 number of revisions. I understand that about three of
11 them took place prior to Revision 0 and one subsequent.

12 Q Is it your understanding that each of the
13 successive revisions resulted from meetings held between
14 the consultants who were preparing the draft plans and
15 representatives of Rockland County departments?

16 A (WITNESS GDANSKI) I know they were supposed
17 to be.

18 Q Do you know that there were such meetings?

19 A (WITNESS GDANSKI) I know that after our
20 in-house discussions that our staff departments or their
21 representatives said they would contact representatives
22 of the consultants' groups, and I have to assume they
23 did.

24 Q Are you aware of any instances in which
25 suggestions or recommendations made by Rockland County

1 officials for revisions to the draft plans were not
2 subsequently incorporated following revisions to the
3 draft plans?

4 A (WITNESS GDANSKI) I cannot cite you a
5 specific instance because that is within the purview of
6 the Department head, but those were exactly the type of
7 instances that were reported to me, that specific
8 information was given to the consultants which was not
9 incorporated even though it was competitively supplied
10 to the consultants.

11 Q Can you supply us with specific instance
12 where that was brought to your attention?

13 A (WITNESS GDANSKI) I believe either Mr.
14 McGuire of the Emergency Services Department can provide
15 that to you or Mr. Hastings of the Fire Coordinator's
16 office.

17 Q Are there other persons who reported to you
18 that possibly suggestions that they had made for
19 revisions to the plans were not picked up in subsequent
20 drafts?

21 A (WITNESS GDANSKI) Most specifically it was
22 Mr. Hastings, our Fire Coordinator.

23 Q Are there other instances that come to mind as
24 you sit here today?

25 A (WITNESS GDANSKI) No.

1 Q Mr. Gdanski, I do not see Mr. Hastings in this
2 proceeding. Can you refresh our recollection as to who
3 will be testifying on behalf of the fire department?

4 A (WITNESS GDANSKI) I believe since then, since
5 Mr. Hastings' role in the composition of this committee,
6 his position was taken over by Mr. McGuire, who assumed
7 the perspective of the Emergency Services Coordinator.
8 In fact, within organizational line in Rockland County
9 he works under Mr. Hastings' overall supervision. So I
10 believe you can get that from Mr. McGuire representing
11 the Emergency Services Department.

12 Q Mr. Gdanski, let me refer you to page 3 of
13 your testimony, if I may, the first full paragraph
14 beginning about ten or twelve lines down, the sentence
15 beginning "It was the consensus," et cetera. Do you see
16 that?

17 A (WITNESS GDANSKI) Yes, uh-huh.

18 Q Do I take it that the decision which you
19 reached that the draft Rockland County plan was not
20 workable was based in substantial part upon the FEMA
21 assessment of the March 3 drill?

22 A (WITNESS GDANSKI) No.

23 Q Well, you say based upon the results of the
24 drill in the second line of that sentence. Can you tell
25 us what you meant by that?

1 A (WITNESS GDANSKI) Well, the sentence goes on
2 to say the results of the drill and the plan itself,
3 and --

4 Q To what extent did the results of the drill
5 affect your conclusion that the plan was unworkable?

6 A (WITNESS GDANSKI) I think it sort of put the
7 icing on the cake.

8 MR. THORSEN: Objection.

9 BY MR. BRANDENBURG: (Resuming)

10 Q Could you elaborate a little bit for us on
11 that?

12 JUDGE CARTER: What is the objection, Mr.
13 Thorsen?

14 MR. THORSEN: I don't know whether Mr.
15 Brandenburg is asking Mr. Gdanski for a percentage. It
16 is an evaluation process. He is asking him to what
17 degree. Does he want the word "substantial,"
18 "insubstantial," "significant," "insignificant," 10
19 percent, 20 percent? The question to me is very
20 unclear.

21 MR. BRANDENBURG: I am not asking for
22 quantification, Mr. Chairman.

23 JUDGE CARTER: I think it is a permissible
24 question to ask him the extent to which he depended on
25 it. You can get into it further, if you like.

1 WITNESS GDANSKI: It was one element, one
2 factor. It was the most recent in a series of bases
3 which gave rise to our conclusion.

4 BY MR. BRANDENBURG: (Resuming)

5 Q What was it about the results of the March 3
6 exercise that was the "icing on the cake" to your
7 conclusion that the plan was unworkable?

8 A (WITNESS GDANSKI) Well, as an example, first
9 of all, I would assume that a mock drill designed to
10 implement the proposed plan would be more realistic. I
11 have elaborated on that. But a specific instance was --
12 and I use as an example what our transportation
13 representative said at the assessment meeting. He said
14 his portion of the drill went extremely well, including
15 the dispatching of the buses, because proper planning
16 was done in advance of the need. That is one
17 paragraph.

18 But he went on to say that the exercise
19 experiment was not relative to an actual situation
20 because the bus operators and drivers that are expected
21 to participate in the actual exercise, when the need
22 actually arises, had not been brought into the planning
23 process.

24 So to me a comment like that demonstrates that
25 the fears that we had all along as to the ability of

1 this proposed "plan" to work, the fact could never be
2 tested, or has not been to date.

3 Q Well, I'm a little confused, Mr. Gdanski. I
4 didn't ask you what others thought about the results of
5 the drill. I am asking you what you viewed were the
6 significant results of the drill that led you to form
7 the opinion expressed on page 3 of your testimony?

8 A (WITNESS GDANSKI) Well, a number of factors.
9 Number one, the incident I just gave; number two, the
10 failure of the sirens themselves to work; number three,
11 the poor communications set-up. Rockland County had a
12 phone that they had to keep off the hook in order to
13 maintain constant communications. We had Health
14 Department personnel who went into the field to conduct
15 assessments using mobile radiation detecting equipment,
16 and they were in the plume, the proposed plume
17 dispersement area without protective clothing. The
18 portable radio that they had within the truck, after one
19 of the truck hit a pothole in the road, the radio
20 broke. They were reduced to having to knock on doors to
21 report back to emergency operations centers.

22 Incidents of that sort led me to believe that
23 the mock drill went extremely poor.

24 Q I think you mentioned sirens, telephones,
25 protective clothing and portable radios as instances of

1 experiences during the March 3 exercise that convinced
2 you the plan was unworkable.

3 Is it your view that those deficiencies are
4 not correctable?

5 A (WITNESS GDANSKI) Those are only some
6 instances. I think the major obstacle really is the
7 road network, and unless you are prepared to spend
8 billions of dollars, it can't be done, and no one has
9 spoken in terms of dollars. No one has ever said we are
10 going to provide money to remedy the road network.
11 There have been some instances and some possible
12 demonstrations of commitment by the state that they will
13 try to work out a funding system, were going to try and
14 work out a funding system to provide the radio
15 communication network necessary to provide some
16 off-the-road vehicles, not to the extent that we require
17 them because they said right away we are only one
18 county. We have to take care of Westchester. There are
19 other counties impacted. So there have been some of
20 these demonstrable situations where they said we are
21 trying to find something, but no one has ever said they
22 will fund the roads.

23 Q Do I understand your answer to be that your
24 view as to the inadequacy of the roadway system is the
25 only non-correctable deficiency that would prevent the

1 Rockland radiological emergency plan from being --

2 A (WITNESS GDANSKI) I think there are a number
3 of problems that potentially on paper could be remedied,
4 where you could get someone out to work on the sirens.
5 Well, they will work next time. I don't know. They
6 didn't work this time. Can they provide the portable
7 radio communications that area acceptable? Perhaps. I
8 don't know. But as I say, I take it a step further and
9 use the roads as an example of something that there has
10 never been a commitment, and I will take it even one
11 step further. Why should the residents have to live in
12 a state of fear that hopefully the plan will work? Why
13 do we have to adopt a seige mentality to save a couple
14 of bucks which we're not saving anyway? It is not worth
15 the risk or the effort.

16 Q I understood you to characterize the roadway
17 systems as the principal deficiency. Is it your view
18 that the deficiency in the roadway system are the
19 principal reasons why the plan is not implementable?

20 A (WITNESS GDANSKI) It is one of the major
21 reasons, but not the only.

22 Q What are the other major, non-correctable
23 deficiencies in your view, Mr. Gdanski?

24 MR. THORSEN: Your Honor, I seem to get the
25 impression we are going over and over the same area. I

1 think Mr. Gdanski has answered this.

2 JUDGE CARTER: Let him answer this question.

3 WITNESS GDANSKI: First of all, there are no
4 formal letters of agreement to provide transportation
5 for the school system. As a matter of fact, there is
6 not even a proposed plan to operate in summer vacations
7 when there are camp sessions. You don't even have
8 agreement on paper, and I could not rest assured that a
9 written contract by an outside bus carrier will work to
10 evacuate school children by someone who is getting paid
11 a couple of bucks an hour to come back in the path of a
12 radiation plume. I just can't live with that. I don't
13 think it's an acceptable alternative. That is another
14 instance.

15 I will be glad to repeat them: public
16 notification systems are inadequate.

17 BY MR. BRANDENBURG: (Resuming)

18 Q The question relates to non-correctable
19 deficiencies.

20 A (WITNESS GDANSKI) I would say those instances
21 where there has been no funding are non-correctable at
22 this time. The road system seems to be the paramount
23 objection in my mind, and I don't think there's been
24 adequate assessment of panic factors. If we were to get
25 on the air and say Zone 36, within certain parameters,

1 evacuate, where that zone ends on a particular boundary
2 line, are you telling me the neighbors on the other side
3 across the street are not going to evacuate, or people
4 that live all around that area are not going to
5 evacuate? And I cite polls taken in connection with the
6 Shoreham study that show once you get on the air,
7 everyone is going to run. You are not going to be able
8 to contain the panic factors.

9 Q Mr. Gdanski, have you had any formal training
10 in behavior response?

11 A (WITNESS GDANSKI) No, I don't.

12 Q Psychiatry?

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1 A (WITNESS GDANSKI) Offered a recent newspaper
2 article in connection with Shoreham Commission for a
3 poll by social analysts on Long Island.

4 Q I am asking you a question, Mr. Gdanski. Have
5 you had any training in psychiatry?

6 A (WITNESS GDANSKI) No.

7 Q Psychology?

8 A (WITNESS GDANSKI) No.

9 Q Have you ever practiced any of those
10 disciplines professionally?

11 A (WITNESS GDANSKI) Not on a paid status, no.

12 JUDGE PARIS: While Mr. Brandenburg is getting
13 ready for his next question, I would like to stick a
14 question in here, Mr. Gdanski. What happens to the
15 Rockland County school bus drivers and the buses in the
16 summer when school is not in session?

17 WITNESS GDANSKI: I believe most of them are
18 used to provide camp transportation, and in fact most of
19 them are being used in that situation, but subject to
20 being corrected, I don't think the plan says what to do
21 in the event an emergency occurs today while school is
22 out of session, and while camp is in session. The buses
23 are rerouted. Different bus carriers who, for instance,
24 would be assigned for the East Roundtree School District
25 are now parcelled all over the different camp situations.

1 JUDGE PARIS: But the buses do have drivers
2 assigned to them?

3 WITNESS GDANSKI: I cannot answer for the bus
4 company. I don't know.

5 JUDGE PARIS: Are the school buses contracted
6 for?

7 WITNESS GDANSKI: I think it varies from
8 school to school, but the school district within which I
9 live contracts out for a private bus carrier.

10 JUDGE PARIS: Thank you.

11 BY MR. BRANDENBURG: (Resuming)

12 Q While we were discussing your formal training,
13 Mr. Gdanski, have you had any formal training in traffic
14 engineering?

15 A (WITNESS GDANSKI) No.

16 Q Have you ever practiced traffic engineering in
17 a professional capacity?

18 A (WITNESS GDANSKI) I chair on a standing
19 committee basis the Department of Public Works, which
20 has within its jurisdiction the County Highway
21 Department as well as the Traffic Safety Board, as the
22 scope of review responsibility.

23 Q Have you ever had occasion to prepare travel
24 time estimates?

25 A (WITNESS GDANSKI) No.

1 Q You testified earlier this morning, Mr.
2 Gdanski, that a number of reports were prepared at your
3 direction which culminated in the May 13th resolution of
4 the Rockland County Legislature to withdraw from the
5 plan. Is that correct?

6 A (WITNESS GDANSKI) Well, the reports didn't
7 culminate in that step. Let me see if I can understand
8 your question. The reports were submitted in connection
9 with the public hearing, and part of the public hearing.

10 Q Yes, and you directed that those reports be
11 prepared.

12 A (WITNESS GDANSKI) That is correct.

13 Q Mr. Gdanski, when did you first express your
14 view that Indian Point should be shut down?

15 A (WITNESS GDANSKI) I believe going back a year
16 or so, it was my position, my personal position, not the
17 entire legislature's, but my personal position as a
18 legislator that until there was a plan which was proved
19 and demonstrated as acceptable to the NRC and to FEMA
20 and to the residents of Rockland County, that Indian
21 Point should be shut down.

22 Q When did you first express that point of
23 view?

24 A (WITNESS GDANSKI) I cannot give you an exact
25 date. It may go back a year or so, a year and a half.

1 Q When did you first introduce a resolution into
2 the county legislature that Indian Point should be shut
3 down?

4 A (WITNESS GDANSK) Using the premise I just
5 gave until there was an acceptable evacuation plan.
6 Again I say it may go back a year and a half or so.

7 Q Now, were your views on this matter known to
8 the county officials who appeared before your
9 subcommittee on the 13th of May of this year?

10 A (WITNESS GDANSKI) They may or they may not
11 have been. I don't know.

12 Q Might these officials respond in ways critical
13 of emergency planning in Rockland County in the belief
14 that such a response was consistent with the positions
15 you have previously taken?

16 A (WITNESS GDANSKI) Unfortunately not. I am
17 only one legislator, and this vote, the resolution was
18 adopted by a majority of the Rockland County legislature
19 and it carried votes for those whose publicly expressed
20 opinions really were not in concert with mine, more
21 conservative colleagues, Republican conservatives who
22 did vote in support of this resolution.

23 Q You were chairman of the subcommittee,
24 however, that prepared these reports. Is that correct?

25 A (WITNESS GDANSKI) Through which the reports

1 emanated, but again, the committee structure of Rockland
2 County is such that every legislator is independent and
3 does not control the actions of other legislators.

4 Q Mr. Gdanski, did you ever let it be known to
5 these department heads or other Rockland County
6 employees that you would like to hear the "plan won't
7 work" type of answers in their reports?

8 A (WITNESS GDANSKI) Of course not.

9 Q Mr. Gdanski, will you describe for us the
10 Office of Emergency Services?

11 A (WITNESS GDANSKI) They are charged with the
12 responsibility of making sure that Rockland County has
13 adequate safety and emergency plans for all types of
14 emergencies. Currently, I believe they fall under the
15 jurisdiction of the fire coordinator. At one time, it
16 was a separate department in and of itself.

17 Q Are you familiar with Article 2(b) of the New
18 York Executive Law?

19 A (WITNESS GDANSKI) Not offhand, no.

20 Q Related to emergency planning?

21 A (WITNESS GDANSKI) Not offhand.

22 Q Is it your view that the county of Rockland
23 has the duty to protect the health, safety, and welfare
24 of Rockland County citizens in the event of public
25 emergency?

1 A (WITNESS GDANSKI) Yes, it is.

2 Q Would you describe for us the functioning of
3 the emergency services coordinator?

4 MR. THORSEN: Your Honor, I object to this
5 line of questioning. I don't know where it is coming
6 from out of the direct testimony, and I don't believe
7 that this is very productive, since we do have and will
8 have a witness from emergency services testifying at a
9 later date, who can testify as to the exact functions.

10 JUDGE CARTER: Well, I think the witness
11 testified this was one of the offices that reported to
12 him, and although I am not absolutely sure, but it was
13 on the list and it did report to him, I think it is not
14 improper to ask him what the functions of the office are.

15 MR. BRANDENBURG: Plus, he just testified, Mr.
16 Chairman, that office is responsible for emergency
17 planning in Rockland County, and I can't imagine
18 anything more relevant.

19 WITNESS GDANSKI: I thought I answered the
20 question. It was responsible for emergency planning.

21 BY MR. BRANDENBURG: (Resuming)

22 Q Mr. Gdanski, I believe you testified
23 approximately a year and a half back was the first
24 occasion you concluded that Indian Point should be shut
25 down. Is that correct?

1 A (WITNESS GDANSKI) Subject to the
2 qualification I gave, I believe that is correct.

3 Q Was it your view prior to this public hearing
4 held on the 13th of May of this year that Indian Point
5 should be shut down prior to -- until an adequate
6 emergency plan was put in place?

7 MR. THORSEN: Your Honor, rather than this
8 continuing line of questioning, wouldn't it be easier
9 for Mr. Brandenburg to ask to what extent Mr. Gdanski's
10 prior feelings about Indian Point influenced his
11 capacity as chairman of that subcommittee and influenced
12 the final outcome of that subcommittee? I think he
13 could probably kill another half-hour with the current
14 line of questioning, and I think that would encompass
15 everything Mr. Brandenburg was trying to point out.

16 MR. BRANDENBURG: If it pleases Mr. Thorsen, I
17 am happy to have that question asked.

18 JUDGE CARTER: I think he can answer the
19 question.

20 WITNESS GDANSKI: I think I can answer the
21 question.

22 JUDGE CARTER: What was your view prior to the
23 May 13 meeting?

24 MR. BRANDENBURG: That wasn't the question.
25 Maybe the Reporter can read Mr. Thorsen's remarks for us.

1 WITNESS GDANSKI: Mr. Thorsen's remarks?

2 Well, you still have to repeat it.

3 (Whereupon, the Reporter read back the portion
4 requested.)

5 WITNESS GDANSKI: I know it influenced my own
6 personal perception. However, I would have to point out
7 that I was only a cosponsor of the resolution that set
8 forth Rockland County's position. There were three
9 other cosponsors, some of whom did not previously share
10 my position on the matter, so I don't believe my own
11 personal perceptions necessarily forced the rest of the
12 Rockland County Legislature to go along. There was an
13 increasing awareness as culminated by the drill that
14 made everyone see the light.

15 BY MR. BRANDENBURG: (Resuming)

16 Q The question relates to your personal
17 perceptions nonetheless, Mr. Gdanski.

18 A (WITNESS GDANSKI) Yes.

19 Q Is it true then you had already made up your
20 mind that the Rockland County plan was unworkable before
21 you received the department reports that you referred to
22 and before the time you participated in the May 13th
23 meeting?

24 A (WITNESS GDANSKI) No, because you are missing
25 a crucial distinction. I said until there was a plan in

1 effect that was acceptable, Indian Point should be shut
2 down. I never said, shut down Indian Point
3 unequivocally or absolutely. After the recommendations
4 of our staff people, who have the technical expertise,
5 they convinced me that the plan that was drafted and for
6 which millions of dollars were paid for, was not
7 acceptable.

8 Q I take it your answer is yes.

9 A (WITNESS GDANSKI) I gave my answer.

10 Q Mr. Gdanski, what is the functioning of the
11 Office of Emergency Services? You indicated it was
12 responsible for emergency planning in Rockland County.
13 What are its day to day activities?

14 A (WITNESS GDANSKI) I would have to go back to
15 the local order or county charter that sets forth its
16 specific duties. As I understand it, basically it is to
17 provide a plan for emergency planning in the event of a
18 natural disaster, an artificial disaster, anything that
19 would affect the health and safety of Rockland County
20 residents, and to direct supervision of implementing
21 such emergencies when they occur, a tornado, a
22 hurricane, a rail car disaster, anything of that sort.

23 Q What is the staffing of the Offices of
24 Emergency Services for Rockland County?

25 A (WITNESS GDANSKI) We have a deputy under Mr.

1 Hastings' supervision who was the director of -- I think
2 his title is deputy director of emergency services. I
3 am not sure of his exact title. But he supervises our
4 activities in that regard, and he again is a
5 coordinator. He coalesces the various municipal fire
6 departments. I am sorry, the various municipal police
7 agencies, of which there are a number, the county
8 sheriff's department, which is a separate activity, the
9 various volunteer fire departments, the various
10 volunteer ambulance districts, and he is to supervise
11 their cooperation in the event of an emergency.

12 Q Does this deputy director of emergency
13 services spend all of his working time on emergency
14 planning subjects? Or does he have other
15 responsibilities as well?

16 A (WITNESS GDANSKI) He may have other duties as
17 assigned. I don't know.

18 Q Are there any full-time personnel in Rockland
19 County whose sole job is to prepare for emergencies?

20 A (WITNESS GDANSKI) Well, I think he utilizes
21 the good offices of other existing count staff, whether
22 it is the highway department or the fire coordinator's
23 office or other volunteer groups. I can't give you an
24 example. I don't know anybody else who does full-time
25 on a paid basis.

1 Q When was the Office of Emergency Services
2 organized, if you know?

3 A (WITNESS GDANSKI) Well, it is a difficult
4 question again, because in line of budgetary
5 constraints, the Office has been -- at one time our
6 chairman of the legislature wore two hats. He was also
7 director of civil defense, who supervised the deputy
8 director for emergency services. But again, because of
9 budget cutbacks, it is in the main Mr. McGuire's office,
10 again, using other existing staff.

11 Q Has the Rockland County Office of Emergency
12 Services ever prepared any written emergency plans?

13 A (WITNESS GDANSKI) I believe they have a plan
14 in effect for generic disasters, but that question would
15 be best addressed to that individual.

16 Q Have you reviewed this generic plan?

17 A (WITNESS GDANSKI) No, I have not.

18 Q To your knowledge, has the Rockland County
19 Office of Emergency Services ever been called upon to
20 respond to an emergency occurring in Rockland County?

21 A (WITNESS GDANSKI) I believe they have. We
22 have had numerous instances of flooding that I know they
23 have been involved in, snow emergencies. Yes.

24 Q Has that office ever prepared any writings
25 which evaluate Rockland County's generic emergency

1 planning capabilities?

2 A (WITNESS GDANSKI) I don't know.

3 Q Mr. Gdanski, how would you characterize
4 Rockland County's generic emergency response
5 capabilities at this time?

6 MR. THORSEN: Your Honor, I would object to
7 this line of questioning on generic disaster
8 preparedness. It is not part of Mr. Gdanski's direct
9 testimony. I think we are getting pretty far afield.

10 MR. BRANDENBURG: Mr. Chairman, he has
11 testified he relied upon information provided to him by
12 the Office of Emergency Services. Clearly, this is
13 highly relevant to the capabilities of Rockland County
14 to respond to emergencies. We have never had a
15 radiological emergency in Rockland County or anywhere
16 else that has required a general evacuation, and we are
17 forced to look at other types of emergency response
18 capabilities by analogy.

19 JUDGE CARTER: As I examined the direct
20 testimony of the witness, at all times he refers to
21 himself as having the chairmanship of the subcommittee
22 to review the Indian Point emergency response plan, and
23 is not a general supervisory authority on all
24 emergencies. That is the only thing I see.

25 MR. THORSEN: That's correct.

1 JUDGE CARTER: Is that correct?

2 WITNESS GDANSKI: That is correct.

3 MR. BRANDENBURG: But he has testified he has
4 charge of Rockland -- he studied Rockland County's
5 response to emergencies in the nature of flooding and so
6 on. Clearly his ability to contrast the county's
7 capabilities in those areas versus what he conceives to
8 be their capability in radiological areas is highly
9 important to what we are all trying to look at.

10 JUDGE CARTER: I thought he answered that it
11 was a function of the committee, not his
12 responsibility. My memory may not be precise on it.

13 JUDGE SHON: It was my understanding that you,
14 Mr. Brandenburg, asked him whether Rockland County had
15 ever responded to any other emergencies to his
16 knowledge, and he said, yes, it had, but he didn't say
17 that he had been in charge of the response or that he
18 had known a great deal about the response. Isn't that
19 correct?

20 WITNESS GDANSKI: That is essentially
21 correct. Yes, Your Honor.

22 BY MR. BRANDENBURG: (Resuming)

23 Q Mr. Gdanski, is it your view that in order to
24 properly evaluate the adequacy of radiological emergency
25 planning in Rockland County, it is necessary to

1 appreciate the level of emergency planning for generic
2 emergencies?

3 A (WITNES GDANSKI) I think the answer is yes
4 for the staff who report to me, yes.

5 MR. BRANDENBURG: Well, I submit, Mr.
6 Chairman, that the adequacy of generic emergency
7 response capabilities is very much interwoven with this
8 witness's points of view on the adequacy of radiological
9 emergency planning, and we should be able to probe into
10 this area.

11 JUDGE CARTER: I think it is really a
12 collateral matter, Mr. Brandenburg. We have enough
13 problems focusing on Indian Point. The question is not
14 the adequacy of the actions of the county board
15 employees generally. They are trying to evaluate a
16 specific set of circumstances in relation to the plan.

17 MR. CZAJA: Judge, to the extent he has
18 identified deficiencies responsive to Commission
19 Question 3, we may be able to find remedies to such
20 deficiencies in knowledge he has about general emergency
21 planning.

22 WITNESS GDANSKI: I do not possess that
23 knowledge. It falls in the bailiwick of our staff.

24 JUDGE CARTER: If you ask, wouldn't the road
25 situation have an effect in the event of a flood, I am

1 sure he would probably say yes, or if there was a
2 chlorine leak in a certain location, near a school, I
3 suppose it would be an answer, but I am not sure where
4 it would get us. It does not -- the efficacy of this
5 evacuation plan is not proved by the lack of adequacy of
6 other response facilities.

7 MR. CZAJA: I don't think we know yet, Judge,
8 whether the other response facilities are adequate or
9 inadequate. If they are inadequate, that may well be
10 the case. If they are adequate, they may shed some
11 light on the alleged inadequacies for the feasible
12 improvements in this plan.

13 JUDGE CARTER: It is the Board's view that we
14 should try to limit our inquiry to matters involving the
15 emergency planning with regard to the Indian Point plant
16 and not get into general generic types of emergency
17 responses. That doesn't mean that each and every
18 question you might ask to draw comparisons would be
19 improper, but the thrust of your inquiry at this point
20 is to go into a total review of all of the people.

21 MR. LEVIN: I would think, Your Honor, that it
22 would be --

23 JUDGE CARTER: We want to focus -- remember
24 that word, focus.

25 JUDGE SHON: Mr. Brandenburg, if the thrust of

1 your inquiry is to establish at some time in the course
2 of your questioning that lo and behold, a sector
3 equivalent to that which would be evacuated in a
4 radiological emergency has already been so evacuated, or
5 is known to be easily so evacuated for other
6 emergencies, it does not seem that this is the way to
7 develop that. You might ask Mr. Gdanski exactly that
8 question, and it is quite probable that he won't know
9 the answer, but I don't think we want to waste time
10 pursuing that sort of will of the wisp.

11 MR. BRANDENBURG: Well, let's try to bring it
12 closer to home then, Judge Shon.

13 BY MR. BRANDENBURG: (Resuming)

14 Q Mr. Gdanski, have you served on the Rockland
15 County Multiservices Committee?

16 A (WITNESS GDANSKI) Yes, I have.

17 Q And what was the period of service on that
18 committee?

19 A (WITNESS GDANSKI) January, 1978.

20 Q Until?

21 A (WITNESS GDANSKI) Until the end of 1980.

22 Q During that period, were you responsible for
23 the budget of the Office of Emergency Services for
24 Rockland County?

25 A (WITNESS GDANSKI) No, the budget is prepared

1 and reviewed by the Budget and Finance Committee.

2 Q What were the activities of the Multiservices
3 Committee in the area of emergency planning in Rockland
4 County during the period in which you served as a member
5 or chairman of that Committee?

6 A (WITNESS GDANSKI) The Multiservices Committee
7 is a program committee, and if there are changes in the
8 scope of staff of individuals or assigned duties, that
9 would come before Multiservices. If there was a
10 complaint about the department, if there was a change in
11 the scope of duties, again, it would come before
12 Multiservices.

13 Q What specifically were the activities of the
14 Multiservices Committee in the area of emergency plans?

15 A (WITNESS GDANSKI) It played no role in it.

16 MR. THORSEN: Your Honor, I just object to the
17 relevancy again. I don't see any purpose behind this.
18 I don't see where Mr. Gdanski's testimony talks about
19 any time period prior to December of 1980 at the
20 earliest, when he was appointed as a member of the
21 subcommittee to review the Indian Point plans. Somehow
22 I get the feeling that we are just passing time here,
23 and Rockland's case is going to go to the other offices
24 as well. Is there some way we can get a direction
25 limiting the scope of this cross examination from the

1 Board?

2 MR. BRANDENBURG: Well, certainly we are doing
3 more than passing time, Mr. Chairman. This witness has
4 very heartfelt conclusions on the adequacy of
5 radiological emergency planning, and it certainly goes
6 to the weight and value of that testimony if he has shed
7 his eyes from information made available to him on the
8 adequacy of emergency planning in other areas in this
9 county.

10 JUDGE CARTER: But Mr. Brandenburg, wouldn't
11 it be better from your standpoint to examine all of
12 these, at least three to six other witnesses if you gave
13 Mr. Gdanski the information that was the support for the
14 legislative determination for which he was one of 20
15 legislators? It seems to me if you want to attack his
16 conclusion, the best way to do it is to show that the
17 testimony of the sheriff and the health department and
18 the emergency services either did not give him that
19 information or made poor investigations or something
20 like that. But I really don't know where you are
21 getting to.

22 MR. BRANDENBURG: Well, unfortunately, Mr.
23 Chairman, I cannot probe Mr. Gdanski's opinions through
24 other persons than Mr. Gdanski.

25 JUDGE CARTER: Well, as I see it, Mr. Gdanski

1 was the head of the committee of the legislature which
2 held hearings, the executives given this responsibility,
3 and the sheriff and the health department made reports
4 to him. They brought the report, the testimony back to
5 the legislature. The legislature by a majority decided
6 to pass certain resolutions. To a certain extent,
7 whether Mr. Gdanski believes in it or doesn't believe in
8 it is somewhat de minimis. There was a majority of the
9 legislature who passed it.

10 Now, if you are trying to show that he was
11 interested in it personally, he said that he was
12 interested in it personally, because of his interest in
13 nuclear waste transmission initially through the
14 county. But speaking for myself, I would like to know
15 whether he did get good information, what was this
16 information that the men in the field got and gave to
17 him.

18 MR. BRANDENBURG: I am sure we will get to
19 that. Mr. Thorsen has agreed to provide us some reports
20 bearing directly on that. Nonetheless, this witness has
21 testified he guided the preparation of reports by
22 Rockland County employees related to the adequacy of
23 emergency planning at Indian Point.

24 JUDGE CARTER: Mr. Brandenburg says that you
25 testified that you guided the preparation of reports.

1 WITNESS GDANSKI: Your Honor, I am a witness
2 on the stand. I have not injected myself into a lot of
3 comments made by counsel, but frankly, his
4 characterization of a number of my comments, he has
5 completely mischaracterized --

6 JUDGE CARTER: Did you guide the preparation
7 of the report to the sheriff's office or the health
8 department or the Office of Emergency Services?

9 WITNESS GDANSKI: I did not.

10 BY MR. BRANDENBURG: (Resuming)

11 Q Did you ask that those reports be prepared?

12 A (WITNESS GDANSKI) Yes, I did.

13 JUDGE CARTER: Let's go off the record.

14 We would like an estimate of how much longer. It has
15 been about an hour and three-quarters of cross. I think
16 you could give us an idea as to how much longer you will
17 require this witness. We will take a five-minute recess.

18 (Whereupon, a brief recess was taken.)

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1 JUDGE CARTER: Take your seats please.

2 Mr. Brandenburg, what are your expectations?

3 MR. BRANDENBURG: My expectations are to
4 complete this witness today, Mr. Chairman.

5 WITNESS GDANSKI: May I ask what "today"
6 means?

7 JUDGE CARTER: Mr. Brandenburg, we have tried
8 on Dr. Beyea to limit examination to about three hours,
9 and it would not seem to me to be reasonable -- I'll use
10 that word as a substitute for all of the factors that go
11 into it -- to expect to cross-examine this witness for a
12 period of time that would take double that amount of
13 time.

14 Would you see if you could please reduce your
15 questioning? And perhaps you might want to yield to the
16 Power Authority and they might be covering some of your
17 questions. At this rate, we would never finish the
18 Rockland County witnesses this week, and they have --
19 all the other witnesses are supportive of this
20 conclusion that Mr. Gdanski --

21 MR. BRANDENBURG: Well, Mr. Chairman, then
22 Rockland County should perhaps not have put in witnesses
23 that duplicate each other. There's a lot of material in
24 Mr. Gdanski's testimony. I'm sure the Board will
25 instruct us if we ask questions that are irrelevant or

1 immaterial, and I would propose to proceed to ask all of
2 the relevant, material questions that the Board will
3 permit me to ask.

4 JUDGE CARTER: Mr. Brandenburg, at your
5 request we struck 55 pages of testimony, which leaves
6 only four or five pages of testimony.

7 MR. BRANDENBURG: We have at least six pages
8 of testimony, Mr. Chairman, as you know. And I have not
9 asked a single question on the 50 pages.

10 JUDGE CARTER: If you want to argue with me
11 about the count, it's perfectly all right. That's your
12 judgment. But we are having difficulty in understanding
13 where you are going. All of your questions for the most
14 part today relate to the basis for his conclusion.

15 Those witnesses are going to be here if we can
16 only get to them. I'm sure Mr. Gdanski would be glad to
17 return, if necessary, if you have some other questions.
18 But it seems to Board that all that you have asked about
19 relates to the testimony of witnesses about to be
20 presented.

21 WITNESS GDANSKI: Your Honor, if something
22 isn't covered through the other witnesses, I'll be glad
23 to come back at a subsequent date this week or at White
24 Plains, or at any time.

25 JUDGE CARTER: Mr. Gdanski has been to a

1 number of hearings and I'm sure he would be glad to come
2 back.

3 Perhaps you could give us some idea where you
4 are going in those things which relate to the support
5 from county employees. Maybe you could just postpone
6 that until you examine the employees.

7 MR. CZAJA: Judge, let me just join in Mr.
8 Brandenburg's comments. If Rockland County is
9 presenting their direct case with duplicative witnesses,
10 I don't think that is our problem. We don't know what
11 these witnesses are going to say in cross-examination.
12 The witness we have is Mr. Gdanski. If his testimony in
13 fact duplicates other witnesses, that is Rockland
14 County's fault, not ours.

15 JUDGE CARTER: Mr. Czaja, the witness is not
16 being offered as a substitute for the sheriff or the
17 health department. He merely put in the resolutions of
18 the county. You are making more of it than is here, it
19 seems to me.

20 MR. BRANDENBURG: He has also expressed
21 sweeping opinionx, Mr. Chairman, on the efficacy of
22 emergency planning in Rockland County, and I suggest
23 that all of my questioning this morning and the balance
24 of my examination will be addressed to the basis of
25 those opinions of this witness.

1 JUDGE CARTER: Well, you did not note the
2 witness to bring his files with him. The reports on
3 which he did base his testimony are in the reports that
4 have been requested from other witnesses.

5 MR. BRANDENBURG: And he testified he relied
6 upon them in forming his opinions as expressed in this
7 testimony.

8 JUDGE CARTER: We will try it for another
9 half-hour before we exercise any further jurisdiction or
10 dominion over the extent of your examination.

11 BY MR. BRANDENBURG: (Resuming)

12 Q Mr. Gdanski, let me refer you to page 4 of
13 your testimony at line 6, where you state: "We require
14 tremendous inputs of funding to bring our equipment
15 needs close to par." Do you see that?

16 A (WITNESS GDANSKI) Yes, I do.

17 Q My question is, are you satisfied with the
18 level of equipment available for non-radiological
19 emergencies in Rockland County at this time?

20 MR. THORSEN: Objection, Your Honor.

21 JUDGE CARTER: Sustained.

22 MR. BRANDENBURG: May I ask the basis for the
23 Court's ruling on this, Mr. Chairman?

24 JUDGE CARTER: We decided we did not want to
25 get into a general discussion of generic other support

1 facilities. If the question relates to whether those
2 same facilities can be used in emergency response,
3 fine.

4 MR. BRANDENBURG: This relates specifically to
5 levels of equipment, Mr. Chairman.

6 JUDGE CARTER: Why don't you ask him what
7 equipment he has and ask him whether he can use it in a
8 radiological response?

9 BY MR. BRANDENBURG: (Resuming)

10 Q What equipment is it, Mr. Gdanski, that you
11 feel is insufficient for purposes of generic emergency
12 planning?

13 A (WITNESS GDANSKI) For generic emergency
14 planning, I don't know.

15 Q Let me direct your attention to the bottom of
16 page 3, continuing to the top of page 4. You state that
17 "Until a workable plan exists and the safety of our
18 citizens can be assured," et cetera, that Indian Point
19 should be shut down. Do you see that?

20 A (WITNESS GDANSKI) Yes, uh-huh.

21 Q Now, do you believe that substantial risks to
22 the health and safety of Rockland County's citizens are
23 posed by floods?

24 MR. THORSEN: Objection.

25 JUDGE CARTER: Mr. Brandenburg, I don't know

1 how you would shut down a flood. I'll permit the
2 question. It seems that you can't take either a hint or
3 a direction, so ask the question.

4 MR. BRANDENBURG: I'll ask another question if
5 you like, Mr. Chairman, and that is whether Mr. Gdanski
6 believes that the health and safety of Rockland County's
7 citizens is adversely affected by the likelihood of
8 tankcar derailments and chemical spills.

9 MR. THORSEN: Objection, Your Honor.

10 JUDGE CARTER: I'll permit the question.

11 WITNESS GDANSKI: The scope and magnitude of a
12 situation that could occur, of something drastic
13 happening at Indian Point, makes everything else pale
14 beyond comparison.

15 BY MR. BRANDENBURG: (Resuming)

16 Q And what is the basis of that opinion?

17 A (WITNESS GDANSKI) The input from the staff of
18 Rockland County department heads, and primarily based on
19 what obviously I'm referring to, the most drastic of
20 consequences, a meltdown at Indian Point.

21 Q And what information has been provided to you
22 that leads you to believe that the consequences of such
23 an action would pale by comparison to another type of
24 disaster, such as a chemical spill?

25 A (WITNESS GDANSKI) The input from our health

1 department.

2 Q Is this written or oral form?

3 A (WITNESS GDANSKI) I believe it's oral. And
4 part of that is, again which I cited earlier, is the
5 failure of the licensees to provide certain information
6 to our health department.

7 Q With whom were these discussions had?

8 A (WITNESS GDANSKI) Mr. Maguire.

9 Q And what did Mr. Maguire tell you about the
10 consequences of a potentially serious accident at Indian
11 Point?

12 MR. THORSEN: Objection, Your Honor. The
13 witness Mr. Maguire is here. He's ready to go on the
14 witness stand. Is there any point?

15 JUDGE CARTER: Answer the question. It's Mr.
16 Brandenburg's time. If he wants to spend it this way,
17 let him spend it.

18 WITNESS GDANSKI: You don't have to read it
19 back. Could you just rephrase it or repeat it again?

20 BY MR. BRANDENBURG: (Resuming)

21 Q What did Mr. Maguire or other employees of
22 Rockland County tell you about how the consequences of a
23 radiological accident would be so dissimilar from other
24 types of accidents, such as chemical spills and the
25 like?

1 A (WITNESS GDANSKI) Well, it came up
2 inferentially. The scope of our committee was to
3 discuss proper planning for radiological emergency
4 disasters. So we focused on that, not on chemical
5 spills, tankcar derailments, floods.

6 In the course of our conversation several
7 people made representation that the scope of an
8 emergency caused by a meltdown would far exceed that for
9 which any county ought to be prepared.

10 Q Have you ever recommended that shipment of
11 dangerous chemicals through Rockland County be
12 terminated?

13 A (WITNESS GDANSKI) I have not, but I believe
14 other legislators have referred the matter to our county
15 health board for consideration.

16 Q I believe you testified, Mr. Gdanski, that the
17 inadequacy of the roadway system was a paramount
18 objection to the radiological emergency?

19 A (WITNESS GDANSKI) That was one of them, yes.

20 Q Do you believe the present Rockland County
21 road system is adequate to meet its citizens' needs at
22 times when there are no emergency conditions?

23 MR. THORSEN: I object, Your Honor. I don't
24 see the relevance.

25 JUDGE CARTER: You can answer the question.

1 WITNESS GDANSKI: Adequate at all times?

2 BY MR. BRANDENBURG: (Resuming)

3 Q Sure.

4 A (WITNESS GDANSKI) I have never asked our
5 traffic department for a report on that. I don't know.
6 It would depend on the specific highway or a specific
7 road in question.

8 Q You state here in your testimony that the
9 roadway system is inadequate for emergency radiological
10 response.

11 A (WITNESS GDANSKI) Uh-huh.

12 Q What is the basis for that opinion on your
13 part?

14 A (WITNESS GDANSKI) Comments and observations
15 made in connection with the public hearings held.

16 Q By whom?

17 A (WITNESS GDANSKI) The hearings were held by
18 my subcommittee.

19 Q Whose opinions as to the inadequacy of the
20 roadway network in the event of a radiological emergency
21 at Indian Point do you rely upon in forming your
22 opinion?

23 A (WITNESS GDANSKI) A number of comments from
24 residents who reside in Rockland County.

25 Q These are lay residents?

1 MR. THORSEN: Can you be a professional
2 resident, Mr. Brandenburg.

3 JUDGE CARTER: Please.

4 BY MR. BRANDENBURG: (Resuming)

5 Q Well, let me ask you another question, Mr.
6 Gdanski. Apart from this proceeding, have you ever
7 recommended that the Rockland County road system be
8 upgraded?

9 A (WITNESS GDANSKI) Have I personally? No.

10 Q Have you ever recommended that the Rockland
11 County roadway system be improved to aid in evacuations
12 which may be necessary in the event of non-radiological
13 emergencies?

14 A (WITNESS GDANSKI) No, I have not.

15 Q What is your understanding of how the
16 evacuation time estimates for Rockland County contained
17 in the draft Rockland radiological emergency response
18 plan were prepared?

19 A (WITNESS GDANSKI) You're going to have to
20 repeat that question a little slower.

21 Q What is your understanding of how the
22 evacuation time estimates contained in the draft
23 Rockland County plan were prepared?

24 A (WITNESS GDANSKI) I don't know. They were
25 prepared by the consultants. I have to go by the

1 opinions suggested to me by our sheriff's department,
2 that we could not evacuate that amount of people within
3 the required period on our existing road network.

4 Q Are you aware that evacuation time estimates
5 were also prepared by a consultant to the NRC?

6 A (WITNESS GDANSKI) I am not aware of that.

7 Q Are you aware that the evacuation time
8 estimates for Rockland County contained in the draft
9 Rockland County radiological emergency response plan
10 were evaluated by FEMA?

11 A (WITNESS GDANSKI) I don't know that. Were
12 they?

13 Q Yes, they were.

14 Are you aware that the evacuation time
15 estimates for Rockland County contained in the draft
16 Rockland County radiological emergency response plan are
17 based upon the Rockland County roadway system in its
18 present form?

19 A (WITNESS GDANSKI) I told you I'm not aware of
20 that. I would like to know, though, if the consultants
21 who reviewed that actually trafficked along the roads
22 during the rush hour period or on a July 4th weekend.

23 Q I'd be happy to enlighten you on that point
24 afterwards, if you like.

25 A (WITNESS GDANSKI) Okay.

1 Q On page 3 of your testimony, Mr. Gdanski, you
2 state that subsequent to the passage of Rockland County
3 Resolution 320 the County itself has undertaken to
4 prepare plans dealing with Rockland County's needs; is
5 that correct?

6 A (WITNESS GDANSKI) Yes, it is.

7 Q Can you tell us what the Rockland County
8 Office of Emergency Service has done in this regard
9 since March 13?

10 A (WITNESS GDANSKI) Since March 13?

11 JUDGE CARTER: I think that is May 13.

12 MR. BRANDENBURG: Yes, May 13.

13 WITNESS GDANSKI: I would have to let them
14 speak on that.

15 BY MR. BRANDENBURG: (Resuming)

16 Q Have you sought out any information as to how
17 they are doing in terms of preparing the plan?

18 A (WITNESS GDANSKI) Have I personally?

19 Q Yes.

20 A (WITNESS GDANSKI) No.

21 Q Have you given any direction to the Office of
22 Emergency Services in terms of preparing its own
23 Rockland County plan?

24 A (WITNESS GDANSKI) I think the best way to
25 answer this question is to point out that with that

1 resolution of the Rockland County legislature I ceased
2 to function as chairman of the subcommittee and exercise
3 any review authority over current emergency planning.
4 The legislature has recently passed another resolution
5 setting up a new committee. The chairman has yet to
6 appoint his designee.

7 Q Could you identify more specifically which
8 resolution did that? My question, Mr. Gdanski --

9 MR. THORSEN: I believe he already answered
10 that.

11 MR. BRANDENBURG: He testified he was no
12 longer chairman of the committee.

13 BY MR. BRANDENBURG: (Resuming)

14 Q What is your understanding about what Rockland
15 County's own plan would provide that is not provided for
16 in the present draft Rockland County plan?

17 A (WITNESS GDANSKI) I don't know, but the plan
18 has not yet been drafted, so how can I tell you that?

19 Q Do you have any understanding as to what the
20 Office of Emergency Services is doing that is different
21 from what was done previously?

22 A (WITNESS GDANSKI) I think they can best
23 answer that.

24 Q Do you know whether, in preparing Rockland
25 County's own plan, the County Office of Emergency

1 Servies is coordinating with other counties?

2 A (WITNESS GDANSKI) I do not know.

3 Q Or with the State of New York?

4 A (WITNESS GDANSKI) I do not know. I know we
5 will not accept a plan, even drafted by our own
6 personnel, that is not acceptable. I can tell you that
7 much.

8 JUDGE CARTER: I didn't understand that
9 answer. Would you explain that?

10 WITNESS GDANSKI: The resolution which created
11 this committee charged them with the responsibility of
12 coming up with an evacuation plan.

13 JUDGE CARTER: Which resolution are you
14 speaking of now?

15 WITNESS GDANSKI: I believe it is Exhibit E
16 which I introduced today, Rockland County's own nuclear
17 evacuation and preparedness plan.

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1 JUDGE CARTER: That is Resolution Number 473;
2 is that right?

3 WITNESS GDANSKI: My copy does not have a
4 referral number.

5 JUDGE CARTER: Is that the one, Referral
6 Number 6676?

7 WITNESS GDANSKI: Yes, that is right.

8 JUDGE CARTER: July 13, 1982.

9 WITNESS GDANSKI: That's right. And what will
10 have to be done is when our plan is completed by our
11 staff it will have to be brought before the Rockland
12 County Legislature once again. We will have to make a
13 policy decision, is that plan an acceptable plan for the
14 needs of Rockland County's residents. Right now, I
15 don't know if that can be done. I know the plan that
16 was worked on to date has not yet satisfied the needs of
17 Rockland County's residents.

18 JUDGE CARTER: As I read it, the reservation
19 is that an advisory committee has been formed to again
20 review the plan, then make recommendations; is that
21 correct?

22 WITNESS GDANSKI: That is correct.

23 JUDGE CARTER: So, in point of fact,
24 everything that you have said may be changed by the new
25 plan that the advisory committee creates.

1 WITNESS GDANSKI: That assumes that we can
2 come up with a better plan than what the consultants who
3 were paid X amount of dollars, as I understand it,
4 several millions of dollars, that we can come up with a
5 better plan, certainly one more unique to Rockland
6 County interests.

7 JUDGE CARTER: No; I am saying this is not the
8 final word on the prior resolutions that were made
9 because the legislature is not reexamining the entire
10 question.

11 WITNESS GDANSKI: Except the inference there
12 is that it took a year and a half to get where we are
13 now.

14 JUDGE CARTER: I do not want you to explain
15 why or what your expectations are. I just want you to
16 agree again as to the present status of events, that
17 previously there was a resolution declaring its support
18 for the Union of Concerned Scientists and wanted to
19 revoke the license, and how they have again decided on a
20 broader committee to examine the plan.

21 WITNESS GDANSKI: That much is correct.

22 JUDGE SHON: Mr. Gdanski, I think one other
23 thing that perhaps is confusing all of us is the fact
24 that this particular piece of legislation is
25 specifically titled as establishing a citizens advisory

1 committee to review what is called Rockland County's own
2 nuclear evacuation and preparedness plan. Does that
3 plan yet exist?

4 WITNESS GDANSKI: No, it does not.

5 JUDGE SHON: Then they are committed to review
6 something that so far is not extant; is that right?

7 WITNESS GDANSKI: Well, really, it is a
8 misnomer. It shouldn't say "review," it should say
9 "prepare, formulate."

10 JUDGE SHON: Okay. But this still is
11 confusing, because it had given us the impression that
12 they were to again review an existing plan.

13 WITNESS GDANSKI: I would say that
14 characterization is probably a misnomer.

15 JUDGE SHON: Does the committee know that that
16 is to make the plan, not just to look at one?

17 WITNESS GDANSKI: Yes.

18 JUDGE SHON: Okay.

19 MR. THORSEN: Your Honor, if I may clarify
20 just a little bit more. In the Resolution 430 of 1982,
21 which was attached to Mr. Gdanski's testimony as Exhibit
22 A, I believe that there is a direction in there on page
23 2, the last full paragraph at the bottom.

24 It says, "Resolved, that the Legislature of
25 Rockland County hereby authorizes, empowers, and directs

1 the Office of Emergency Services to continue to develop,
2 in cooperation with our volunteer services, school
3 officials, Department of Social Services, Department of
4 Health and such other County departments as may be
5 requested, a disaster preparedness plan for Rockland
6 County which program shall be funded by the County of
7 Rockland.

8 "And be it further resolved that the
9 Legislature of Rockland County further directs the
10 County Office of Emergency Services to develop a plan in
11 response to a potential nuclear accident occurring at
12 Indian Point," et cetera.

13 I believe that the relationship between the
14 Resolution of July 13th and this Resolution of May 18th
15 is that at the same time the Legislature withdrew from
16 what was called the Federally mandated plan and directed
17 the Office of Emergency Services to begin preparation of
18 the new plan.

19 Subsequent to that, the Legislature decided
20 they wanted the advisory committee to review what the
21 Office of Emergency Services was now working on.

22 JUDGE SHON: Has it done anything so far? Is
23 there something the committee is reviewing?

24 MR. THORSEN: To the best of my knowledge, the
25 committee has not yet been appointed.

1 JUDGE PARIS: Mr. Gdanski, did you testify
2 that any plan this new committee comes up with will have
3 to come before your committee?

4 WITNESS GDANSKI: Not my committee, since I do
5 not procedurally or substantively chair a committee at
6 this point. It will have to come before the full
7 Legislature and, I suspect too, this advisory committee
8 first procedurally. The chairman of our Legislature has
9 yet to appoint the new committee head of this new
10 committee.

11 MR. THORSEN: I believe Mr. Gdanski's
12 subcommittee was specifically resolved by the July 13th
13 Resolution.

14 JUDGE PARIS: Okay.

15 BY MR. BRANDENBURG: (Resuming)

16 Q Mr. Gdanski, let me turn your attention to
17 Exhibit 8 to your testimony, which is the May 18th
18 Resolution of the Rockland County Legislature.

19 A (WITNESS GDANSKI) Uh-huh.

20 Q I would like to specifically ask you about the
21 next-to-the-last "Resolved" paragraph appearing on page
22 2 of that exhibit.

23 A (WITNESS GDANSKI) Yes.

24 Q Where it is stated that, "Rockland County will
25 continue to develop," et cetera, et cetera. What has

1 been --

2 JUDGE CARTER: Excuse me. Please be a little
3 more precise about what it is you want the witness to
4 respond to.

5 MR. BRANDENBURG: I am directing the witness
6 to the entire paragraph that begins, "Resolved, the
7 Legislature of Rockland County," et cetera.

8 JUDGE CARTER: Well, continue so the record is
9 clear.

10 WITNESS GDANSKI: I think it is the first
11 "Resolved" clause of this resolution.

12 MR. BRANDENBURG: That is correct.

13 JUDGE CARTER: I would like it on the record.

14 MR. BRANDENBURG: I would be happy to read it,
15 Mr. Chairman. Perhaps the witness could do it for us.

16 Did you draft this resolution?

17 WITNESS GDANSKI: The County Attorney's office
18 did.

19 BY MR. BRANDENBURG: (Resuming)

20 Q Was it discussed with you prior to its
21 submission to the Rockland County Legislature for
22 action?

23 A (WITNESS GDANSKI) I had some input into it.

24 Q Would you read that "Resolved" paragraph?

25 A (WITNESS GDANSKI) Sure. "Resolved, that the

1 Legislature of Rockland County hereby authorizes,
2 empowers, and directs the Office of Emergency Services
3 to continue to develop, in cooperation with our
4 volunteer services, school officials, Department of
5 Social Services, Department of Health, and such other
6 County departments as may be requested a disaster
7 preparedness plan for Rockland County which program
8 shall be funded by the County of Rockland.

9 "And be it further" --

10 Q Now, from May 18th to date, what activities
11 have been engaged in by Rockland County pursuant to this
12 "Resolved" clause?

13 A (WITNESS GDANSKI) You would have to ask the
14 office.

15 MR. THORSEN: Object.

16 JUDGE CARTER: Let him answer.

17 WITNESS GDANSKI: You would have to ask the
18 Office of Emergency Services. That is what the
19 resolution clause says.

20 BY MR. BRANDENBURG: (Resuming)

21 Q Do you have any personal knowledge of what
22 activity has been taken pursuant to this resolution?

23 A (WITNESS GDANSKI) I do not.

24 Q I turn your attention to page 3, the next
25 page, the next-to-the-last "Resolved" paragraph on that

1 page. Would you read that?

2 A (WITNESS GDANSKI) "Resolved, that in the
3 event of a nuclear occurrence at the Indian Point
4 facility, the Legislature of Rockland County hereby
5 authorizes, empowers, and directs its chairman,
6 notwithstanding this resolution, to take any and all
7 action in coordinating and cooperating with any and all
8 Federal and State agencies to protect the lives and
9 properties of the citizens of Rockland County."

10 Q Now, in the event of a radiological accident
11 at Indian Point, what do you presently expect would be
12 done pursuant to this provision?

13 A (WITNESS GDANSKI) If one occurred today?

14 Q Yes.

15 A (WITNESS GDANSKI) I think the chairman would
16 work as best he could to effectuate whatever steps he
17 would take. That is a very rhetorical question. What
18 that would entail, I don't know.

19 Q If there were an accident today at Indian
20 Point that required a response at Rockland County, is it
21 your understanding that the present draft Rockland
22 County radiological emergency response plan prepared by
23 the consultants would be used?

24 A (WITNESS GDANSKI) I don't know.

25 Q Mr. Gdanski, at the bottom of page 4 of your

1 testimony, five lines up from the bottom of that page,
2 you state that, "At the May 13th meeting a draft of the
3 FEMA report assessing Rockland County's participation in
4 the March 3rd drill was introduced."

5 A (WITNESS GDANSKI) That is correct.

6 Q Is that correct?

7 A (WITNESS GDANSKI) Uh-huh.

8 Q Would you explain to us where that draft
9 report came from?

10 A (WITNESS GDANSKI) From FEMA.

11 Q Was that provided to you?

12 A (WITNESS GDANSKI) Yes, directly. It came
13 through our chairman's office.

14 Q When was that received by Rockland County, if
15 you know?

16 A (WITNESS GDANSKI) I don't know.

17 Q Do you know when that report was publicly
18 released?

19 A (WITNESS GDANSKI) I don't know.

20 Q Do you know whether the report was released to
21 Rockland County prior to it being released to the
22 public?

23 MR. THORSEN: Mr. Brandenburg, if I may, I am
24 having a little difficulty. I believe this area of the
25 testimony has been struck. I am not sure where you are

1 going.

2 MR. BRANDENBURG: I thought the numbered
3 paragraphs were stricken.

4 MR. THORSEN: If I recall the Board ruling,
5 the question and all of the answer down through the next
6 page on line 9 has been struck.

7 JUDGE SHON: We struck the entire thing,
8 question and all.

9 JUDGE PARIS: That is correct.

10 JUDGE SHON: At your suggestion.

11 BY MR. BRANDENBURG: (Resuming)

12 Q Mr. Gdanski, you testified on March 3rd you
13 participated in the emergency planning exercise
14 throughout the course of that exercise; is that
15 correct?

16 A (WITNESS GDANSKI) Yes.

17 MR. THORSEN: Objection. Mr. Gdanski did not
18 testify that he participated, and Mr. Brandenburg on a
19 number of occasions has rephrased what Mr. Gdanski said
20 so it comes out in this question quite differently than
21 the witness' statement. Mr. Gdanski stated that he
22 observed, not participated.

23 BY MR. BRANDENBURG: (Resuming)

24 Q You observed then; is that correct, Mr.
25 Gdanski?

1 A (WITNESS GDANSKI) Yes.

2 Q From what vantage point did you observe the
3 exercise on March 3rd?

4 A (WITNESS GDANSKI) You mean physically?

5 Q Yes.

6 A (WITNESS GDANSKI) From the emergency
7 operations command center at Pomona, New York, which is
8 located in our fire training center.

9 Q Are you aware of numerous press accounts
10 immediately prior to the March 3rd exercise to the
11 general effect that officials in Rockland County would
12 not be participating in that exercise?

13 A (WITNESS GDANSKI) From press accounts
14 subsequent to the drill?

15 Q No. Immediately prior to the exercise.

16 JUDGE PARIS: Into the microphone, please, Mr.
17 Gdanski.

18 WITNESS GDANSKI: Was I aware of an account in
19 the press that Rockland County --

20 BY MR. BRANDENBURG: (Resuming)

21 Q That certain portions of Rockland County would
22 not be participating in the exercise?

23 A (WITNESS GDANSKI) Yes, yes, I am aware of
24 that, although to be accurate, they were not Rockland
25 County, since that is an entity in and of itself, but

1 rather municipal police departments residing within the
2 County of Rockland over whom the County of Rockland has
3 no jurisdiction.

4 Q Part of the March 3rd exercise, did you
5 discuss with County and municipal exercises regarding
6 the participation or nonparticipation in that exercise?

7 MR. THORSEN: Objection.

8 JUDGE CARTER: He can answer whether he had
9 any conversation.

10 WITNESS GDANSKI: Did I have conversations?
11 Not other than to say that we were participating in the
12 upcoming drill. By "we," meaning the County of Rockland
13 per se and its departments.

14 I think what you are alluding to are the
15 police agencies, which there was some discussion of.
16 Again, that just illustrates part of the problem. We
17 don't exercise dominion and control over our police
18 agencies other than the Sheriff's Department.

19 BY MR. BRANDENBURG: (Resuming)

20 Q Did you have any discussions with police
21 agencies immediately prior to the March 3rd exercise as
22 to whether those police agencies would be participating
23 in the March 3rd exercise?

24 A (WITNESS GDANSKI) No, I did not. As a matter
25 of fact, it came up not to my committee but to the Crime

1 Control Board, of which I have no dominion or control
2 over but which is a voluntary group of police agencies
3 in Rockland, to meet and discuss issues concerning
4 criminal and law enforcement.

5 Q Did you participate in any activities prior to
6 the March 3rd exercise that were related to the
7 preparation for that exercise?

8 A (WITNESS GDANSKI) Other than our ongoing
9 evaluations of the plan, no.

10 Q Based on your observation of the exercise on
11 March 3rd, who was in charge of Rockland County's
12 participation in that exercise?

13 A (WITNESS GDANSKI) The chairman's office.

14 Q Was there one particular individual who was
15 given responsibility for coordinating Rockland County's
16 participation in the March 3rd exercise?

17 A (WITNESS GDANSKI) That was our chairman.

18 JUDGE CARTER: What is his name?

19 WITNESS GDANSKI: John Grant.

20 BY MR. BRANDENBURG: (Resuming)

21 Q Did Mr. Grant personally participate in the
22 March 3rd exercise?

23 A (WITNESS GDANSKI) In the exercise itself,
24 yes.

25 Q Did you speak to Mr. Grant prior to the March

1 3rd exercise about preparations that were being made for
2 Rockland County's participation in the exercise?

3 A (WITNESS GDANSKI) No, I did not.

4 Q Were you in the EOC, the Emergency Operations
5 Center, for Rockland County during the March 3rd
6 exercise?

7 A (WITNESS GDANSKI) Yes, I was.

8 Q And who was the official of Rockland County
9 who was in charge of the EOC during the March 3rd
10 exercise?

11 A (WITNESS GDANSKI) Our chairman.

12 Q Who was responsible for the staffing of the
13 EOC below the level of chairman during the March 3rd
14 exercise?

15 A (WITNESS GDANSKI) I believe it would be
16 coordinated through our director of emergency services,
17 Mr. McGuire's office, from the fire coordinator's
18 office.

19 Q Mr. Gdanski, subsequent to the May 13th
20 meeting at which I believe you said you introduced a
21 draft version of the FEMA post-exercise assessment, did
22 you subsequently receive a copy of the final version of
23 the FEMA post-exercise assessment dated May 27th?

24 A (WITNESS GDANSKI) Yes.

25 Q Did you review that document?

1 A (WITNESS GDANSKI) Yes.

2 Q Do you have a copy here with you today?

3 A (WITNESS GDANSKI) No, I don't.

4 MR. BRANDENBURG: Mr. Chairman, I would like
5 to ask Mr. Gdanski a few questions relating to that
6 document. I have one here. It has already previously
7 been marked as Attachment C to the FEMA testimony.

8 WITNESS GDANSKI: I didn't offer that report,
9 and I didn't -- I don't see the relevance of my
10 observations at this date as to FEMA's report.

11 JUDGE CARTER: Have we marked that as an
12 exhibit?

13 MR. BRANDENBURG: It is Attachment C to the
14 FEMA testimony, Mr. Chairman.

15 BY MR. BRANDENBURG: (Resuming)

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1 Q Mr. Gdanski, do you recognize this document as
2 the document a draft of which was introduced before the
3 legislature on May 13th?

4 A (WITNESS GDANSKI) Yes.

5 Q May I direct your attention, please, to page
6 14 of the appraisal, and in particular the second line
7 of text below the caption "Rockland County," which
8 states -- Mr. Chairman, the sentence states:

9 "Significant deficiencies were noted" --

10 JUDGE CARTER: Excuse me, Mr. Brandenburg. If
11 Mr. Thorsen does not have a copy, if you're showing
12 something to his witness, it is usually customary that
13 you would show it to the attorney.

14 MR. THORSEN: I can sit with my witness. Is
15 that more convenient?

16 MR. BRANDENBURG: No, no. I'll give you a
17 copy.

18 JUDGE PARIS: Mr. Brandenburg, what page?

19 MR. BRANDENBURG: We're on page 14.

20 JUDGE PARIS: And you said under the heading
21 "Rockland County"?

22 MR. BRANDENBURG: The summary of Rockland
23 County, the second line of the text, reading:
24 "Deficiencies were noted relating to external and
25 internal communications, leadership in the EOC, and

1 space allotment."

2 BY MR. BRANDENBURG: (Resuming)

3 Q Do you see that passage?

4 A (WITNESS GDANSKI) Yes.

5 Q Based on your observations of the emergency
6 planning exercise on March 3rd, was it your view that
7 there were significant deficiencies in leadership in the
8 EOC?

9 MR. THORSEN: Your Honor, I'm a little bit
10 confused as to exactly what role Mr. Gdanski is supposed
11 to be playing at this point in time. He's not a FEMA
12 observer. I don't believe he claims to have any
13 training in making observations based upon training or
14 based upon experience.

15 Mr. Gdanski testified that he observed the
16 drill from the EOC. He didn't testify in what capacity
17 he was there. It was my understanding he was there as a
18 county legislator and/or a member of the public, not
19 that he was there in any official capacity and involved
20 in the drill.

21 JUDGE CARTER: He has only been asked,
22 inasmuch as he was there, did he observe any significant
23 deficiency in leadership. Is that your question?

24 MR. BRANDENBURG: That is correct, Mr.
25 Chairman.

1 MR. THORSEN: May I qualify that with, if he
2 was able to?

3 JUDGE CARTER: He will answer it the best way
4 he can.

5 What did you observe about leadership in the
6 EOC when you were there?

7 WITNESS GDANSKI: I presume this addresses --

8 JUDGE CARTER: I'm not sure I know what
9 "leadership" means.

10 WITNESS GDANSKI: That is my comment.

11 JUDGE CARTER: If you can answer it, answer
12 it.

13 WITNESS GDANSKI: I don't know what the phrase
14 is referring to.

15 BY MR. BRANDENBURG: (Resuming)

16 Q The question is what you think FEMA intended,
17 Mr. Gdanski.

18 A (WITNESS GDANSKI) Well, I didn't write the
19 report, so I can't interpret it if I don't understand
20 it.

21 Q Based upon your own definition of leadership
22 in the EOC, do you believe there were deficiencies in
23 leadership in the EOC that occurred during the March 3rd
24 exercise?

25 MR. THORSEN: I object, Your Honor. First of

1 all, we haven't established what "leadership" means to
2 Mr. Gdansky. We haven't established what "leadership"
3 means in terms of the FEMA report. I think any answer
4 he would give would do nothing more than create a vague
5 answer which is not worth the time it takes to give the
6 answer.

7 MR. BRANDENBURG: I'm sure he can qualify his
8 answer however he likes, Mr. Chairman. Nonetheless, we
9 have this witness testifying that his views upon the
10 efficacy of radiological emergency planning were based
11 in large part upon his observation of the March 3rd
12 exercise.

13 JUDGE CARTER: Who was in charge of the EOC?

14 WITNESS GDANSKI: From whose perspective?
15 Rockland County's perspective?

16 JUDGE CARTER: How was it organized when you
17 were there?

18 MR. THORSEN: If you are able to so testify.

19 WITNESS GDANSKI: I don't understand what the
20 purpose is.

21 JUDGE CARTER: How long were you in the EOC?

22 WITNESS GDANSKI: From the inception of the
23 drill to the completion.

24 JUDGE CARTER: From the inception to the
25 completion. And how long a period was that?

1 WITNESS GDANSKI: From either 8:30 or 9:00
2 o'clock in the morning until 4:30 or 5:00 o'clock,
3 approximately.

4 JUDGE CARTER: How many persons were present?

5 WITNESS GDANSKI: In total, I would say 40 or
6 50, including members of the press who were there,
7 people who came and went.

8 JUDGE CARTER: And were they all under the
9 direction of one individual?

10 WITNESS GDANSKI: I don't believe so. I know
11 you had a number of state observers, as I understand it,
12 from the state. You had a group of FEMA observers or
13 people assigned to FEMA, but not necessarily from FEMA,
14 that day.

15 JUDGE CARTER: How many chiefs and how many
16 Indians

17 WITNESS GDANSKI: That's why I say, when you
18 say leadership it depends on what -- I don't
19 understand.

20 JUDGE CARTER: Let me refine the question.
21 How many observers and how many people participating in
22 the exercise?

23 WITNESS GDANSKI: I would say as many
24 observers and members of the press as there were
25 participants.

1 JUDGE CARTER: You would say about half and
2 half?

3 WITNESS GDANSKI: Roughly. But again, I don't
4 have a sign-in list. I couldn't definitively answer the
5 question.

6 JUDGE CARTER: Was there one endeavor in which
7 they were all engaged or were they all doing different
8 things?

9 WITNESS GDANSKI: They all tried to get up to
10 the lunch room at the same time.

11 JUDGE CARTER: Well, you've got me there.
12 Other than that, were they engaged in the same task or
13 different tasks?

14 WITNESS GDANSKI: I would say a number of the
15 personnel present were engaged in the exercise of the
16 drill and a number of personnel in observing the drill.

17 JUDGE CARTER: Was one person in charge?

18 WITNESS GDANSKI: I don't know.

19 JUDGE CARTER: Do you know if one person was
20 supposed to be in charge?

21 WITNESS GDANSKI: I don't know. I don't
22 know.

23 MR. BRANDENBURG: I think he has answered my
24 question about the deficiencies in leadership in the EOC,
25 Mr. Chairman.

1 BY MR. BRANDENBURG: (Resuming)

2 Q Mr. Gdanski, based on your observation of the
3 March 3rd exercise in the March 3rd EOC, do you believe
4 there were deficiencies in leadership in the EOC?

5 MR. THORSEN: I object again, Judge. Same
6 objection.

7 JUDGE CARTER: Sustain the objection. Go on.

8 BY MR. BRANDENBURG: (Resuming)

9 Q I direct your attention to the next sentence
10 appearing on page 14 of the post-exercise assessment,
11 captioned "Alerting and mobilization of officials and
12 staff":

13 "The capability for alerting and mobilization
14 of staff in the EOC was weak. Deficiencies were noted
15 relating to the lack of telephone lines and staff to
16 perform initial call-in. Backup staff was also
17 lacking. Overall improvement in communications was
18 needed."

19 Do you agree with any or all of those
20 statements, Mr. Gdanski?

21 A (WITNESS GDANSKI) I agree with all of them.

22 Q What was it you observed about the capability
23 for alerting and mobilization and the staff in the EOC
24 which was weak?

25 A (WITNESS GDANSKI) There was a distinct lack

1 of telephone lines and portable mobile communications
2 equipment.

3 Q Was that the extent of the equipment
4 deficiencies which you noted?

5 MR. THORSEN: Perhaps you could clarify to
6 what extent Mr. Gdanski was involved in observing that,
7 since I believe he was restricted to a certain area of
8 the room. I don't know. Could he define on what his
9 observations are based?

10 MR. BRANDENBURG: Mr. Thorsen, he was there,
11 not I. I'm sure he can answer the question.

12 JUDGE CARTER: I have a different difficulty
13 and that is the words "the capability for alerting." I
14 am not sure all of it is included in the word
15 "capability." There's human capability, there's animal
16 capability, and there's so forth.

17 I think that is a tough question to answer,
18 since this is not Mr. Gdanski's report.

19 MR. BRANDENBURG: At the moment, Mr. Chairman,
20 we're talking about the communications equipment.

21 JUDGE CARTER: Perhaps it might be fair to
22 point out to the witness that the detail of that summary
23 appears on pages 39 and 40 of the report itself.

24 WITNESS GDANSKI: As a preface to my opening
25 comment in response to the questions on this report, I

1 didn't write the report. I don't know what use my
2 commenting on this conclusion would serve at this point
3 in time. But if you want to take me through the report
4 line by line --

5 JUDGE CARTER: If you look at page 40 at the
6 bottom, there's a further explanation of what the
7 reporter intended when writing this report. And then
8 perhaps, Mr. Brandenburg, if you have some questions,
9 you can ask him about that.

10 BY MR. BRANDENBURG: (Resuming)

11 Q You've read the draft version of this part of
12 the May 13 meeting; is that correct?

13 A (WITNESS GDANSKI) That is correct.

14 Q And when did you read the version of this
15 report that appears before you today?

16 A (WITNESS GDANSKI) I cannot give you an exact
17 date.

18 Q Subsequent to a reading of either of those
19 versions, on any occasion have you recommended the
20 installation of communications equipment in the Rockland
21 County EOC?

22 MR. THORSEN: Objection,, Rockland County.
23 Mr. Gdanski was the chairperson of a subcommittee to
24 evaluate an existing plan. He is not the chairman of
25 the legislature. He is not the chairman of the

1 committee to improve or reevaluate plans. He is merely
2 a member of the Rockland County legislature, who was on
3 the subcommittee and was the chairman.

4 I don't see where there's any basis for Mr.
5 Gdanski's testimony to ask him about what Mr. Gdanski
6 has done as far as recommending new equipment or new
7 supplies.

8 As far as asking questions based upon a March
9 3 drill that he did not participate in, but merely
10 observed, I think that again all of these questions as
11 far as being of value to the Board have a very limited
12 value, and that we would best all be spending our time
13 on another area.

14 JUDGE CARTER: Mr. Brandenburg, what is your
15 goal here? What are you trying to prove of this
16 witness? Are you trying to -- let me ask you the
17 question. Are you trying to ascertain whether the FEMA
18 report is accurate?

19 MR. BRANDENBURG: Not at all, Mr. Chairman.
20 I'm attempting to ascertain --

21 JUDGE CARTER: Whether he agrees with it?

22 MR. BRANDENBURG: Whether this witness agrees
23 with the statement and whether he is active in an
24 attempt to improve the radiological responses in
25 Rockland County.

1 JUDGE PARIS: As a legislator, you mean,
2 improve by introducing bills?

3 MR. BRANDENBURG: Or by recommending things to
4 the permanent staff of the county that reports to the
5 legislature.

6 JUDGE CARTER: If you think that is
7 significant, Mr. Brandenburg, go ahead. We're covering
8 a period of a very few weeks between -- the date of the
9 report was May 27th. I don't even know when it was
10 published. And he was out of a job by July 13th.

11 MR. BRANDENBURG: Not as a legislator, Mr.
12 Chairman.

13 JUDGE CARTER: Are we going to get all 20
14 members of the legislature in here and say, what have
15 you done about the deficiencies in this report?

16 MR. BRANDENBURG: No, we only have this one.
17 And Mr. Grant will appear later, of course. But only
18 Mr. Gdanski has expressed his views on the adequacy of
19 emergency planning here.

20 JUDGE CARTER: The majority of the legislature
21 has expressed their views on it.

22 MR. BRANDENBURG: In this proceeding.

23 JUDGE CARTER: And the resolution is here.

24 BY MR. BRANDENBURG: (Resuming)

25 Q In your capacity as a legislator, Mr. Gdanski,

1 subsequent to the March 3rd exercise at any time have
2 you recommended the installation of additional
3 communications equipment in the Rockland County EOC?

4 A (WITNESS GDANSKI) I have attended a number of
5 sessions, specifically one at Albany, where we lobbied
6 aggressively with the state to increase funding for
7 equipment, yes.

8 Q Have you specifically recommended the
9 installation of additional communications equipment in
10 the Rockland County EOC?

11 A (WITNESS GDANSKI) Unfortunately, I'm only an
12 individual legislator, one among 20. We have taken the
13 steps we deem appropriate. We have suggested additional
14 authorization by nature of these resolutions to come up
15 for the new committee, to plan properly. We have asked
16 that Indian Point be shut down in the interim. There's
17 nothing further I can do as a legislator. The next
18 intermediate step would be for our chairman to appoint a
19 new designee chairing the new subcommittee, and I have
20 no control over that step.

21 JUDGE CARTER: I think this would probably be
22 a good time, Mr. Brandenburg, to take a little rest.
23 And we had told Mr. Thorsen that Congressman Gilman
24 could attend at 3:30 to make a limited appearance, and
25 then I would like to return and give the Power Authority

1 an opportunity to do some of their cross-examination.

2 MR. THORSEN: Your Honor, this is a procedural
3 point. Mr. Gdanski is unavailable for the remainder of
4 this afternoon. He will make himself available subject
5 to --

6 WITNESS GDANSKI: I can stay now for another
7 hour, but I can't go past 4:30 today. But I can come
8 back any other day, either in Rockland again or in White
9 Plains, at a subsequent point in time.

10 MR. THORSEN: Judge, I do have six other
11 witnesses in the room. Could I dismiss them for the
12 remainder of today?

13 WITNESS GDANSKI: As I say, I only anticipated
14 about two hours of cross.

15 JUDGE CARTER: Let's wait until the completion
16 of Congressman Gilman's testimony. Then we'll set our
17 schedule from approximately 4:00 o'clock on.

18 You may step down. And I would appreciate
19 your staying here until we make further arrangements.

20 (Witness excused.)

21 MR. THORSEN: At this point, Judge, I would
22 like to offer Congressman Gilman for the purpose of
23 making a limited appearance statement.

24 JUDGE CARTER: Welcome, Congressman.

25 You may proceed.

1 MR. BRANDENBURG: Mr. Chairman, may we be
2 permitted a copy of the written remarks of this
3 gentleman?

4 JUDGE CARTER: You can have mine.

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1 LIMITED APPEARANCE STATEMENT OF BENJAMIN A. GILMAN,
2 REPRESENTATIVE IN THE U.S. CONGRESS FOR THE
3 TWENTY-SIXTH CONGRESSIONAL DISTRICT OF NEW YORK

4 MR. GILMAN: Thank you, Your Honor. I thank
5 the Board for the opportunity of submitting testimony
6 today and I thank the Intervenors who have gone through
7 the complicated and time-consuming qualification process
8 for allowing me to testify, particularly the Intervenors
9 of Rockland County, represented by Rockland County
10 attorney Eric Thorsen.

11 I am here not as an expert to cite scientific
12 data on why Indian Point should be shut down, but as a
13 representative of our Twenty-Sixth Congressional
14 District which, as you know, includes residents of
15 Orange, Rockland and Orange Counties living around and
16 near the Indian Point facility. I've come to express
17 the concerns of the residents of this area who have
18 communicated their feelings to me about what they
19 consider increasing problems at the Indian Point nuclear
20 power plant and why it is ever-present on the minds of
21 those living in the vicinity of the plant.

22 We are living in a time when attitudes toward
23 nuclear power changed dramatically since the Three Mile
24 Island incident. No longer can the people residing near
25 a nuclear power plant go about school, work and

1 recreation as if the plant is not there. People are
2 haunted by the prospect of an unthinkable and hopefully
3 unlikely serious nuclear accident.

4 I had the opportunity to testify before this
5 Board at the limited appearance hearings in January in
6 Rockland County to express then my concern about the
7 safety of the Indian Point units and the need for a
8 workable emergency evacuation plan. Since that time I
9 have heard from people of all ages and circumstances,
10 urging the shutdown of these units because of a genuine
11 fear, a fear resulting from a combination of factors
12 which have culminated in a failure of the March drill to
13 assure our residents that, even if something serious
14 goes wrong, they would be safely evacuated and
15 returned.

16 Though we recognize the benefits to New York
17 consumers of nuclear-powered electricity in this time of
18 limited oil supplies, until alternative energy sources
19 can be developed the issue of cost has taken a back seat
20 for the residents surrounding Indian Point who, on a
21 cold day in March, had to confront the possibility of
22 what might happen in the event of a nuclear accident.

23 Only those within a ten-mile radius went
24 through the motions of an evacuation drill. Others
25 farther away may have known it occurred. Yet it has

1 been a major story in all our local papers and news
2 media ever since.

3 There are half'a million people living in
4 Orange and Rockland Counties, many of whom have chosen
5 this area in order to be near enough to the thriving
6 metropolis of New York City, yet far enough away to
7 establish homes for their families in a residential and
8 suburban setting. They are hard workers. Rockland
9 County has 95 percent employment. 31 percent of that
10 number are willing to make a long commute each day so
11 they may be part of this community, with its more
12 relaxed lifestyle and beautiful and historic
13 surroundings.

14 I hope the Board will keep the unique
15 topography of this area in mind and the attachment of
16 the people living here to the land and to their
17 communities. I am certain that the Licensing Board will
18 continue to carefully consider and examine as well the
19 detailed testimony substantiating the concerns of the
20 residents living near Indian Point, and I would like to
21 state once again the central concerns of the
22 communications that I have been receiving from my
23 constituents and throughout Rockland and Orange Counties:

24 The plant's location in such a highly
25 populated area and less than one mile from a geological

1 fault beneath the Hudson River, the age of the plant;
2 And the sense that this facility was located
3 in this area at a time when the expertise on effective
4 regulation of nuclear power plants had not been
5 developed to as complex and as thorough a degree as
6 today;

7 The continual reports of experts in recent
8 years that Units 2 and 3 have a significant number of
9 safety problems;

10 Numerous plant shutdowns due to operating
11 errors, equipment failures, security problems, and
12 management practices over the years, undermining the
13 confidence of the people in the safety of the plant;

14 And finally, the feeling of the residents
15 after the March drill that there is not any workable
16 emergency evacuation plan in place while Indian Point
17 continues to operate.

18 Permit me to reiterate some of the major
19 questions communicated to me by residents and officials
20 which will be the same as those you have and will
21 continue to address in these hearings through expert
22 testimony.

23 If the alarm goes off and people hear that
24 alarm, how will the sick, handicapped, children and the
25 aged be evacuated? Rockland County alone has four major

1 hospitals and eight nursing homes, with beds totaling
2 over 2,000. I just came from one such home that has
3 more than 200 such people, most of whom had to use
4 walkers and wheelchairs to get around their own
5 facility.

6 The 1980 census contains important facts about
7 the age distribution in Rockland County, which makes
8 evacuation a problem. There are are 25,000 children
9 between the ages of 5 and 17 in the EPZ and another 6900
10 under 5 years old, according to estimates. About 8-1/2
11 percent of Rockland residents are 65 or older, which
12 comes down to an average of 8800 elderly in the EPZ.

13 Not only does this obviously affect
14 transportation, but also it has a significant impact on
15 where these people will be sheltered once they leave the
16 area. A 1980 survey reveals that 20,000 people within
17 the EPZ would need to go to public shelters of some
18 kind, and yet the emergency evacuation plan requires
19 people to find their own temporary housing.

20 These factors contribute to the question of
21 how an operation this complex and involving this many
22 people can be carried out quickly with limited
23 transportation facilities and a lack of true
24 understanding of the plan on the part of many of the
25 residents.

1 The greatest problem resulting from all of
2 these individual circumstances surrounding the operation
3 of Indian Point is the fear of the unknown. The people
4 of the EPZ will be uprooted from land and situations
5 with which they are familiar and closely attached and
6 will be going to an unknown area for an unknown amount
7 of time and will be returning to a home affected by a
8 nuclear accident to an unknown degree.

9 The fact that people are so concerned about
10 the emergency evacuation plan reveals that their
11 confidence has been so shaken in the safety of the plant
12 itself, rather than feeling that an accident probably
13 will not occur, they sense that a major radiation
14 release is highly probable. When a nuclear safety
15 engineer and program manager cited safety and structural
16 problems in the design of Indian Point and later
17 scientists reaffirmed the problems in the emergency
18 electric power systems and water coolant systems, many
19 people became disturbed.

20 Evidence showing that safety equipment in the
21 units might not be sufficient to withstand conditions
22 present in an accident to a degree preventing public
23 harm left an impression on the public, without the
24 follow-up assurance that investigations and corrections
25 have been adequately made.

1 In 1980, the shutdown of Unit 2 due to
2 flooding of the containment area confirmed what had been
3 evidenced before by reports, figures, and a series of
4 shutdowns due to minor failures: that there could be
5 some serious problems with the structure and operation
6 of the units and safety equipment that could have very
7 serious results.

8 Now, in the wake of Three Mile Island our
9 residents are learning more about factors that
10 contribute to their doubts about Indian Point's safety,
11 such as the age of the unit that can cause embrittlement
12 of pressure vessels exposed to high temperatures, and
13 that storage of spent fuel is of critical importance.

14 These doubts and fears about the safety of
15 Indian Point are the reasons why your investigation is
16 so crucial to all of us, and I commend you for your
17 diligent effort to get at all the facts during your hard
18 work in the hearing process thus far.

19 I thank you again for the opportunity to
20 appear here today. And I once again reaffirm my
21 conviction which I earlier communicated to the Nuclear
22 Regulatory Commission that Indian Point be shut down
23 until an adequate emergency plan can be finally
24 formulated and members of the Commission have an
25 opportunity to study the results of your findings on the

1 safety of Indian Point.

2 And I thank you again for the opportunity to
3 appear.

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1 JUDGE CARTER: Mr. Czaja, are you going to
2 conduct the examination of Mr. Gdanski?

3 MR. BRANDENBURG: Judge, I would like to
4 complete my cross-examination of Mr. Gdanski at this
5 time, if I may.

6 JUDGE CARTER: We have extended you a
7 considerable amount of opportunity. The Board would
8 like to hear some further cross examination by one of
9 the other parties at this time.

10 Are you prepared to go forward, Mr. Czaja?

11 MR. CZAJA: I am prepared if it is the Board's
12 direction.

13 JUDGE CARTER: That is our direction.

14 MR. BRANDENBURG: I would like to note an
15 objection for the record, Mr. Chairman, at the
16 curtailment of my cross-examination of this witness.

17 JUDGE CARTER: Your objection is noted.

18 MR. LEVIN: The Power Authority joins in that
19 objection, Your Honor.

20 CROSS EXAMINATION BY COUNSEL FOR LICENSEE

21 BY MR. CZAJA:

22 Q Mr. Gdanski, are you familiar with the
23 document entitled NUREG-0654?

24 A (WITNESS GDANSKI) I believe it sets forth the
25 criteria, yes.

1 Q Have you ever seen a copy?

2 A (WITNESS GDANSKI) I may have.

3 Q Do you have any present recollection of ever
4 having seen a copy of that document?

5 A (WITNESS GDANSKI) I don't remember.

6 Q In the course of your review as chairman of
7 the subcommittee you testified about here today, did you
8 consult NUREG-0654?

9 A (WITNESS GDANSKI) Personally, no.

10 Q To your knowledge, did any other members of
11 the committee consult it?

12 A (WITNESS GDANSKI) I believe either members of
13 the committee or those who spoke up at public hearing
14 did consult it.

15 Q Do you know which members of the committee
16 consulted NUREG-0654?

17 A (WITNESS GDANSKI) I don't recall.

18 Q Picking up on Ms. Fleisher's comment earlier,
19 is it correct to say that requirements of NUREG-0654
20 were an irrelevancy to your inquiry?

21 A (WITNESS GDANSKI) Well, I think that is
22 essentially correct. We have what we feel are the final
23 constraints of the populace, what we feel is acceptable
24 to them. We are not guided by an internal document that
25 will set limitations on the NRC or FEMA.

1 Q And when you have testified earlier today that
2 the deficiencies in the exercise scenario, is it
3 similarly true that if that exercise scenario was
4 constructed in conformance with the requirements of
5 NUREG-0654, that it is irrelevant to you?

6 A (WITNESS GDANSKI) It would have some
7 consideration, but not necessarily the final say; that
8 is correct.

9 Q Do you know if the exercise scenario was
10 constructed in accordance with the requirements of
11 NUREG-0654?

12 A (WITNESS GDANSKI) I don't know.

13 Q Now, you have told us in response to the
14 Board's questions and in response to Mr. Brandenburg's
15 questions something about this new plan that was being
16 developed or will be developed by the Rockland County
17 emergency services office. To your knowledge, will that
18 plan be constructed with a view toward the requirements
19 of NUREG-0654?

20 A (WITNESS GDANSKI) I don't know.

21 Q And as I understand your testimony, your
22 involvement in this new plan will be as a member of the
23 Legislature when that plan is presented to the
24 Legislature for approval; is that correct?

25 A (WITNESS GDANSKI) At this point, yes.

1 Q Also, as I understand your testimony, you
2 believe that no emergency plann involving evacuation is
3 workable absent major changes in the road system; is
4 that correct?

5 A (WITNESS GDANSKI) That is correct.

6 Q And that if this new plan being prepared by
7 the Rockland Countv emergency services office does not
8 call for major changes in the Rockland County road
9 system, I take it you as a member of the Legislature
10 would deem that plan unacceptable?

11 MR. THORSEN: Objection. I believe the
12 question hypothesizes. I do not believe it is fair to
13 ask Mr. Gdanski how he would act at a later date when
14 further information is available?

15 MR. CZAJA: Judge, as I understand the
16 witness' testimony, one of the major considerations in
17 his evaluation of the existing plan and the new plan is
18 this question of the adequacy of the road system in
19 Rockland County. And I think it is important for the
20 Board in weighing Mr. Gdanski's testimony to determine
21 if absent a major restructuring of the road system,
22 which I would say it not feasible under Commission
23 Question 4, he would judge an emergency plan to be
24 inadequate.

25 JUDGE CARTER: It is a very difficult question

1 you are putting because, in effect, you are asking the
2 witness to speculate on what the committee would
3 create. And I hear you asking him is there no plan that
4 would be acceptable to you in view of this, and are you
5 prepared to say now to say that that is how you will
6 vote. Now, if that is what you want to ask him, go
7 ahead and ask him.

8 MR. CZAJA: I think it was a plan involving
9 evacuations, as presumably there might be a plan not
10 involving evacuation.

11 JUDGE CARTER: Why do you not state the
12 question again taking into account all of the factors?
13 If he wants to answer it, he can answer it.

14 BY MR. CZAJA: (Resuming)

15 Q Mr. Gdanski, are there any circumstances in
16 which a plan being developed by the Rockland County
17 emergency services office would be acceptable to you as
18 a legislator if that plan did not involve a major
19 upgrading of the road system in Rockland County?

20 A (WITNESS GDANSKI) It is too speculative.
21 When I see the proposed plan and study it, I can make a
22 decision.

23 Q As I understand your testimony, the present
24 plan you consider to be unworkable absent a major
25 upgrade of the road system in Rockland?

1 A (WITNESS GDANSKI) I said that was only one
2 element.

3 Q Is it a major element?

4 A (WITNESS GDANSKI) It was a major element,
5 yes.

6 Q Assuming the other elements that you find
7 deficient in the existing plan were not corrected, I
8 take it you would still judge that plan unworkable --

9 A (WITNESS GDANSKI) I can't make those
10 assumptions.

11 Q Let me complete the question, Mr. Gdanski, and
12 get a complete record. Absent correction of the other
13 deficiencies that you testified about that exist in the
14 emergency plan, in your opinion, if the road system in
15 Rockland County were not subject to a major upgrade,
16 would you still deem the existing plan unworkable?

17 MR. THORSEN: I have to object to that
18 question, Your Honor. First of all, I have a little bit
19 of difficulty understanding exactly what he was saying.
20 Secondly, I believe Mr. Gdanski testified frequently
21 today that the road system was just one consideration,
22 that he considered other factors to be also be
23 uncorrectable at this time.

24 JUDGE CARTER: Well, just a minute. Restate
25 the question.

1 BY MR. CZAJA: (Resuming)

2 Q As I take your testimony, you consider the
3 present plan unworkable; is that correct?

4 A (WITNESS GDANSKI) That is correct.

5 Q If the deficiencies you have identified in the
6 plan other than the road system were corrected, would
7 you still deem the plan to be unworkable unless there
8 were a major upgrading of the road system in Rockland
9 County?

10 A (WITNESS GDANSKI) The reason I have
11 difficulty in answering that question is it is so
12 hypothetical that I cannot answer it, because you are
13 assuming an awful lot. Had those factors been present
14 when the matter been presented, I don't know if my
15 decision would have been the same. I can't answer it.
16 It is too speculative.

17 Q Now, you testified as to the deficiencies you
18 viewed in the plan; is that correct?

19 A (WITNESS GDANSKI) Yes.

20 Q So if you say those present deficiencies are
21 corrected in meeting that unlikely -- I say if you
22 assume those are corrected, do you know what I am
23 talking about?

24 A (WITNESS GDANSKI) You mean on the
25 hypothetical instance?

1 Q Yes. Do you understand what I am talking
2 about when I say assume the other other deficiencies you
3 have identified here today are corrected?

4 MR. THORSEN: May I clarify that this is both
5 the objections on the shortcomings of the FEMA report as
6 well as Mr. Gdanski's viewpoint on behalf of Rockland
7 County?

8 MR. CZAJA: This is everything that Mr.
9 Gdanski views as a deficiency except for the road
10 system.

11 BY MR. CZAJA: (Resuming)

12 Q Do you understand the hypothetical?

13 A (WITNESS GDANSKI) Uh-huh.

14 Q Now, assuming that were the case, assuming
15 there were no correction or upgrading of the road
16 system, would you still deem the plan to be unworkable?

17 A (WITNESS GDANSKI) Probably.

18 Q Now, could you specify briefly what you
19 consider to be required in terms of upgrading the road
20 system?

21 A (WITNESS GDANSKI) Well, I would like to see a
22 test of the ability of someone to move that amount of
23 people in the amount of time required under true test
24 conditions.

25 Q Well, perhaps I do not understand your

1 testimony, Mr. Gdanski. I am asking you to put aside
2 for a moment your critique of the exercise.

3 A (WITNESS GDANSKI) Well, if I put it aside,
4 the entire critique of the plan is acceptable.

5 Q As far as you are concerned, there is no
6 physical changes in the road system that are required to
7 make the plan work; is that correct?

8 A (WITNESS GDANSKI) There are none possible? I
9 am sorry, I don't follow the question.

10 Q In your opinion, is it required that physical
11 changes be made in the road system of Rockland County
12 before an emergency plan, the present emergency plan, to
13 work?

14 A (WITNESS GDANSKI) Well, you see, I don't know
15 what you mean by "physical changes to the road system."
16 Do you mean constructing a road or traffic, a different
17 traffic control system? That takes in a lot of
18 verbiage.

19 Q Well, let us take on page 4 of your direct
20 testimony, Mr. Gdanski. And if you look at line 10, or
21 actually the sentence starting two lines above that,
22 line 8, "The second stage is that even if we receive all
23 of that funding, what do we do with our existing road
24 network, which would most likely prevent the ability to
25 evacuate people in the event of a serious incident at

1 Indian Point?"

2 And my question is, in what respect does the
3 existing road network, in your opinion, most likely
4 prevent the ability to evacuate people in the event of a
5 serious incident at Indian Point?

6 A (WITNESS GDANSKI) I relied, in making that
7 statement, on the statements given to me by our
8 Sheriff's Department. They say they could not evacuate
9 and control the crowd of the amount of people who are
10 required within this amount of space or time required on
11 the existing road network.

12 Q Did you ask the Sheriff's Department in what
13 respects the road system was deficient?

14 A (WITNESS GDANSKI) It is not just the road
15 system; it is the ability to crowd-control within the
16 road system.

17 Q Well, let us put aside the question of crowd
18 control. Did the Sheriff's Department tell you the road
19 system was inadequate to evacuate?

20 A (WITNESS GDANSKI) Well, you can't take these
21 factors in isolation. That's why I say my conclusion
22 was reached on the totality of the circumstances
23 present. That is why I also said I predicate my comment
24 in the event of if we got a new plan, would I make some
25 such-and-such a decision. I said my response was

1 speculative because I would have to begin with a
2 specific written-up plan so I can make an evaluation.

3 I can tell you what I considered in making
4 this conclusion. If you are going to extract the
5 critiques one by one, eventually if you extracted them
6 all, then the plan is fine. But I did not take these
7 factors in isolation.

8 Q Right now we are not into the question of
9 whether the plan is fine or not, Mr. Gdanski. Right now
10 we are trying to get the basis for that statement I
11 pointed to in your testimony at page 4.

12 As I understand it, the basis for that is the
13 statement to you by the Sheriff's Department; is that
14 correct?

15 A (WITNESS GDANSKI) Partially, yes.

16 Q Is there any other basis other than what the
17 Sheriff's Department told you?

18 A (WITNESS GDANSKI) Comments made by citizens
19 who reside in Rockland County who tell me how difficult
20 it is to get through in rush hour without any evacuation
21 in process.

22 Your Honor, I don't mind answering questions
23 one at a time, but if co-counsel would assist, could we
24 move on to the next question?

25 MR. CZAJA: I think we can move on more

1 quickly, Your Honor, if the witness could be directed to
2 answer the questions in front of him. We have got a lot
3 of extraneous testimony and questions other than the
4 questions that are before the witness.

5 MR. THORSEN: Your Honor, we have all had
6 difficulty understanding what Mr. Czaja is driving at,
7 and I can appreciate Mr. Gdanski's answer because on a
8 number of occasions, I have had to make objection to the
9 form of Mr. Czaja's questions.

10 JUDGE CARTER: Ask your next question, Mr.
11 Czaja.

12 BY MR. CZAJA: (Resuming)

13 Q As I understand it, the basis for this
14 question in the middle of page 4 in your direct testimony
15 is what the Sheriff's Department told you and what the
16 citizens told you; is that correct?

17 A (WITNESS GDANSKI) And my own personal
18 observations.

19 Q Anything else?

20 A (WITNESS GDANSKI) And common sense.

21 Q Anything else?

22 A (WITNESS GDANSKI) No.

23 Q What is your best present recollection of what
24 the Sheriff's Department told you about the existing
25 roadways?

1 A (WITNESS GDANSKI) They could not control or
2 have the ability to evacuate the amount of people
3 required within the time frame required.

4 Q And did they tell you why they would not have
5 the ability to evacuate people within the time frame
6 required?

7 A (WITNESS GDANSKI) Well, I believe they said,
8 tying into other instances, that there was not the
9 proper off-the-road vehicles or personnel or the
10 assurances that they would have the personnel to guide
11 such an evacuation.

12 Q Who at the Sheriff's Department told you
13 this?

14 A (WITNESS GDANSKI) Chief Kralik.

15 Q Did Chief Kralik tell you that evacuation
16 could not occur or that evacuation would take more
17 time?

18 MR. THORSEN: I object. Judge, I understand
19 Mr. Czaja is trying to frame a basis on which Mr.
20 Gdanski has taken his official acts. But Chief Kralik
21 is here in the courtroom. He is going to get on the
22 witness stand. He said he cannot come back tomorrow
23 morning. Let us let Mr. Czaja briefly question Mr.
24 Gdanski and get on to Chief Kralik.

25 JUDGE CARTER: I would second that motion. I

1 do not know why you are trying so desperately to
2 discredit this witness, who no longer is in authority,
3 who is one of many in the Legislature who voted for
4 certain action and has given an opinion which many other
5 people appear to have in this locality, when we are all
6 thirsting to get to the witness who did the specific
7 examination.

8 MR. CZAJA: Judge, if he is not an expert, why
9 is the statement in his direct testimony? I did not
10 write the direct testimony. The direct testimony came
11 to me with a statement I have quoted.

12 JUDGE CARTER: He has given his opinion.

13 MR. CZAJA: And I am entitled to probe the
14 basis for that opinion.

15 JUDGE CARTER: He said that is how he
16 interprets what the Sheriff's office told him.

17 MR. BRANDENBURG: I would like to note for the
18 record, Mr. Chairman, my objection to your
19 characterization of this witness' views as being held by
20 a number of other people in this area. I submit there
21 is no basis for that in this area at this time.

22 JUDGE CARTER: I made no finding. I merely
23 stated what was observable by any normal person
24 attending limited appearance hearings, the purpose of
25 which is to alert the Board to various problems. Now,

1 the one person who may be able to put in some very good
2 evidence on it is waiting to get on to testify, but we
3 cannot seem to get to him.

4 Now, if you persist in attempting to discredit
5 the legislator on his views, if you want to proceed, you
6 will be permitted the time. He will be here until
7 4:30. He said he could not stay after 4:30, and if we
8 could show him that consideration.

9 MR. CZAJA: Well, let me just note, Judge, I
10 started my cross-examination about 3:50, so I have had
11 about 15 minutes.

12 JUDGE CARTER: I am not suggesting that today
13 that is all the time we have.

14 MR. THORSEN: Your Honor, I do wish to comment
15 for the record that in light of the very diligent
16 cross-examination effort by the Licensees, I am very
17 surprised that they did not make attempts to depose the
18 Rockland County witnesses prior to today. And it would
19 have saved us a substantial amount of time, in all
20 likelihood.

21 BY MR. CZAJA: (Resuming)

22 Q Mr. Gdanski, as I recall your testimony this
23 morning, in your opinion, it would require substantial
24 amounts of money to make the present plan workable; is
25 that correct?

1 A (WITNESS GDANSKI) Yes.

2 Q Do you have any estimate as to the aggregate
3 amount that would be required?

4 A (WITNESS GDANSKI) I use the term
5 "substantial" for anything over a million dollars. And
6 it is my understanding our own Rockland County needs are
7 in excess of \$1 million, more in around closer to \$2
8 million, and perhaps even as high as \$3 million.

9 Q And those would be capital expenditures?

10 A (WITNESS GDANSKI) They would be one-time
11 expenditures. That excludes on-going administration
12 costs, maintenance costs, ongoing personnel costs, yes.

13 Q And as I understand your testimony, the source
14 of this cost estimate is these written reports that the
15 individual department heads prepared; is that correct?

16 A (WITNESS GDANSKI) Written reports and oral
17 presentations.

18 Q Can you tell us briefly what this \$2 million
19 to \$3 million will be spent on?

20 A (WITNESS GDANSKI) As I understand it, a lot
21 of it would be for communications equipment, protective
22 clothing, improved radiological monitoring devices,
23 increased personnel, off-the-road vehicles, additional
24 vehicles, et cetera. A great deal of it would be
25 communications gear.

1 Q What types of communications equipment?

2 A (WITNESS GDANSKI) The ability of one police
3 department to communicate with another, field unit to
4 home, to contact the home base, to contact the emergency
5 center, the ability of emergency vehicles to transport
6 people around the County.

7 Q Is that type of emergency equipment also
8 needed for transport --

9 MR. THORSEN: Objection.

10 MR. CZAJA: Let me finish my question, Mr.
11 Thorsen.

12 BY MR. CZAJA: (Resuming)

13 Q Is that type of equipment required by Rockland
14 County uniquely to respond to a radiological emergency?

15 MR. THORSEN: Objection.

16 JUDGE CARTER: Denied. Answer the question.

17 WITNESS GDANSKI: All I know is that we would
18 need it to have a workable plan. That is as far as I
19 can answer that question.

20 BY MR. CZAJA: (Resuming)

21 Q Do you know if you would need it in in the
22 event of a nonradiological emergency?

23 MR. THORSEN: Objection.

24 WITNESS GDANSKI: I don't know.

25 BY MR. CZAJA: (Resuming)

1 Q Did you ever ask that question?

2 MR. THORSEN: Objection.

3 JUDGE CARTER: Denied.

4 BY MR. CZAJA: (Resuming)

5 Q Do you have the question in mind?

6 A (WITNESS GDANSKI) Do I have the question in
7 mind?

8 Q There was a question I posed and then an
9 objection.

10 A (WITNESS GDANSKI) I am sorry, I responded. I
11 said I don't know.

12 Q Did you ask anyone that question?

13 A (WITNESS GDANSKI) Did I ask anyone that
14 question? No.

15 Q Now, on page 1 of your direct testimony, the
16 question at the bottom of page -- it is about this
17 four-county nuclear safety committee. What portion of
18 the meetings of that committee have you attended?

19 MR. THORSEN: Objection. Asked and answered
20 on prior cross-examination.

21 JUDGE CARTER: I am sorry, would you repeat
22 the question?

23 BY MR. CZAJA: (Resuming)

24 Q What proportion of the meetings that have been
25 held by the four-county nuclear safety committee have

1 you attended personally?

2 A (WITNESS GDANSKI) I said I attended about two
3 or three of them.

4 Q And how many meetings have been held in
5 total?

6 A (WITNESS GDANSKI) I don't know.

7 Q You haven't any idea?

8 A (WITNESS GDANSKI) I don't know.

9 Q More than ten?

10 A (WITNESS GDANSKI) I don't know.

11 Q Do you know if any of the concern that led to
12 the Rockland County resolutions that you have been
13 testifying about here today were discussed in any of the
14 meetings of the four-county committee?

15 A (WITNESS GDANSKI) I would presume, and I do
16 know there were other concerns. I am sure they were not
17 unique to Rockland County or to myself individually. I
18 was given to understand that they were discussed at
19 these four-county task force meetings.

20

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1 Q And from whom did you understand that?

2 A (WITNESS GDANSKI) Representatives of the
3 counties, the four counties who attended those
4 meetings.

5 Q Can you tell us the names?

6 A (WITNESS GDANSKI) The one I was at, other
7 than Mr. Maguire from the health department -- I think
8 Mr. Maguire from emergency services was there; Harvey
9 Hart was the county coordinator, who on numerous
10 occasions told me our concerns were not unique to
11 Rockland County and were, as a matter of fact, side by
12 side with those of Westchester County.

13 Q Do you know whether there was any response to
14 their concerns?

15 A (WITNESS GDANSKI) Yeah. We were told: Don't
16 worry; we'll address them in the future. We will get to
17 them and resolve them. We'll try and resolve them,
18 we'll try and get funding.

19 Q I take it you did not accept those
20 assurances?

21 A (WITNESS GDANSKI) I did initially, but after
22 a year and a half --

23 (Pause.)

24 Q Now let's return to the statement on page 4 of
25 your direct testimony, Mr. Gdanski, that the existing

1 road network would most likely prevent the ability to
2 evacuate people in the event of a serious incident at
3 Indian Point. Apart from what Chief Kralik told you, is
4 it your opinion that it would be impossible to evacuate
5 people within ten miles of Indian Point in any amount of
6 time?

7 A (WITNESS GDANSKI) Well, you are asking me to
8 disregard the experts, whose testimony and opinion I
9 trust. My conclusions were not reached in isolation. I
10 did not consider them apart from Chief Kralik's
11 testimony.

12 If you want to pose the question and give me
13 some time to think about it, I can get a response back
14 to you.

15 Q Well, let's take into account Chief Kralik's
16 testimony. Take into account everything that you've
17 heard and you've learned. Is it your opinion that
18 individuals residing in Rockland County within ten miles
19 of Indian Point cannot be evacuated in any amount of
20 time?

21 A (WITNESS GDANSKI) In any amount of time, no.
22 We were told if you had days you could do it. But is it
23 worth it? To me the answer is no.

24 Q That it could be done in days?

25 A (WITNESS GDANSKI) If we had an unending time

1 limit, I presume we could evacuate everybody, I
2 presume. That is my opinion.

3 JUDGE SHON: Mr. Gdanski -- excuse me, Mr.
4 Czaja -- we've touched this point a number of times with
5 Mr. Brandenburg and Mr. Czaja. We seem to be massaging
6 it thoroughly. At several times it was said Chief
7 Kralik told you you couldn't get the people out in the
8 time required.

9 WITNESS GDANSKI: That is right.

10 JUDGE SHON: The number of people in the
11 time. Do you have any idea exactly what number and
12 exactly what time he was talking about, so we could put
13 this in perspective and put it to rest?

14 WITNESS GDANSKI: The number of people
15 residing within the ten-mile zone.

16 JUDGE SHON: And what length of time did he
17 assume?

18 WITNESS GDANSKI: I'm sorry, I don't recall.
19 There was an exact number of hours that he had to meet,
20 that the Federal Government imposed. We had to evacuate
21 X number of people in Y hours. I'm just sorry I don't
22 have it. I'm sure our technical people could provide
23 that. But that is the guidelines we considered.

24 JUDGE SHON: Fine. I don't think, Mr. Czaja,
25 it will really be fruitful to see how long a period of

1 time it will take people to get out in. He has set it
2 up. He said, it's the number of people in the zone and
3 the time is a matter of a few hours. That is what he
4 thinks can't be done and he thinks it can't be done
5 because his technical advisors tell him no.

6 MR. CZAJA: I'm sorry, Judge.

7 BY MR. CZAJA: (Resuming)

8 Q Do I understand your testimony to be, Mr.
9 Gdanski, that it can't be done within a few hours, but
10 it could be done within a longer period?

11 A (WITNESS GDANSKI) No. My testimony is it
12 cannot be done within a few hours. I haven't yet made a
13 definitive study. I presume I shouldn't even make the
14 statement that, given an unending time period,
15 eventually we can evacuate everybody.

16 Q Are you familiar with the evacuation time
17 estimates for Rockland County that are contained in the
18 report?

19 MR. THORSEN: Objection. The exact same
20 questions were asked by Mr. Brandenburg about three
21 hours ago or four hours ago. I just don't see the
22 reason we're going through this all over again.

23 JUDGE CARTER: Denied. If that's what Mr.
24 Czaja wants to ask, let him ask. He may be going
25 someplace else with it.

1 BY MR. CZAJA: (Resuming)

2 Q Do you have the question in mind, Mr.
3 Gdanski?

4 A (WITNESS GDANSKI) No, I don't.

5 Q Are you familiar with the evacuation time
6 estimates that are contained in the plan? Do you know
7 how many hours the plan stipulates it would take, the
8 evacuation would take?

9 A (WITNESS GDANSKI) We discussed it. I just
10 don't have it at my fingertips at this time.

11 Q Do you have any idea?

12 A (WITNESS GDANSKI) I don't recall.

13 (Pause.)

14 Q What versions of the emergency plan have you
15 personally reviewed, Mr. Gdanski?

16 A (WITNESS GDANSKI) All the versions submitted
17 to the County of Rockland.

18 Q Let's turn to page 1 of your direct testimony,
19 Mr. Gdanski. You refer in the fourth question and
20 answer on that page to a permitting system for the
21 transportation of nuclear wastes through Rockland
22 County. What steps have been taken to prepare for the
23 possibility of an accident involving the transportation
24 of nuclear wastes through Rockland County?

25 A (WITNESS GDANSKI) We established a permit

1 system.

2 Q Anything else?

3 A (WITNESS GDANSKI) I would have to check with
4 our department of emergency services, as well as the
5 health technician who issues those permits.

6 Q I take it this is an area in which you have a
7 particular interest?

8 A (WITNESS GDANSKI) I did when I promulgated
9 the amendment to the sanitary code. But we employed an
10 individual to issue those permits and I feel confident
11 in his abilities.

12 Q Well, assuming a permit is issued by this
13 individual and an accident occurs, does Rockland County
14 have any plans to deal with such an emergency?

15 MR. THORSEN: If you know.

16 WITNESS GDANSKI: I don't know. It is really
17 outside of my purview, this particular subcommittee.

18 BY MR. CZAJA: (Resuming)

19 Q It's not a present interest of yours; is that
20 correct?

21 A (WITNESS GDANSKI) Unfortunately, I'm only
22 part-time. When I get elected full-time I'll look into
23 it properly.

24 Q Would you just respond to my question, Mr.
25 Gdanski. Is the system for the transportation of

1 nuclear wastes through Rockland County a present concern
2 of yours?

3 A (WITNESS GDANSKI) Yes.

4 Q And given that concern, are you aware of any
5 steps that have been taken by Rockland County to deal
6 with the situation of an accident that might occur when
7 nuclear wastes are being transported through Rockland
8 County.

9 MR. THORSEN: Your Honor, I appreciate the
10 fact that the Board is letting Mr. Czaja go his way, and
11 I've been trying to restrict my objections as well just
12 so we can get through this and finish. But he's making
13 an effort to discredit my witness by asking questions
14 that invoke an "I don't know" response in areas that are
15 not covered by Mr. Gdanski's direct examination, areas
16 over which he has no control, areas in which he is not
17 employed.

18 And subsequently -- consequently, Judge, I am
19 going to make the objection that this is outside the
20 scope of the cross-examination and entirely without
21 purpose.

22 JUDGE CARTER: Where are you going with this,
23 Mr. Czaja?

24 MR. CZAJA: Judge, I didn't pull this out of
25 the air. It comes from page 1 of Mr. Gdanski's direct

1 testimony. The question is, when did Rockland County
2 first become involved in the issue of nuclear safety in
3 regard to Indian Point. Mr. Gdanski's answer is, it
4 concerns this permitting system for the transportation
5 of nuclear wastes through Rockland County.

6 JUDGE CARTER: Well, that is a historical
7 fact. What has it got to do with this situation now?

8 MR. CZAJA: Judge, if we could find out what
9 provisions, if any, Rockland County has made regarding
10 the transportation of such wastes and the emergency
11 involving that transportation, we could perhaps link
12 that to question 3 as to whether the provisions they
13 have made for such emergency can be used to remedy
14 deficiencies in the emergency plan, and to question 4,
15 whether those provisions for the transportation of
16 nuclear wastes suggest feasible improvements in the
17 present emergency plan.

18 JUDGE CARTER: They are certain philosophical
19 relationships, but he said he doesn't know. He said the
20 man in charge takes care of the details and he doesn't
21 know. If you want to try your luck so that maybe he'll
22 come in and say something that'll hurt your case -- he
23 helped your case. He said he didn't know.

24 MR. CZAJA: Let me rephrase the question.

25 BY MR. CZAJA: (Resuming)

1 Q In your opinion, Mr. Gdanski, are the citizens
2 of Rockland County presently adequately protected in the
3 event of an accident involving the transportation of
4 nuclear wastes?

5 A (WITNESS GDANSKI) I don't know the answer to
6 that.

7 (Pause.)

8 MR. CZAJA: Judge, if I could just have two
9 minutes, I may be finished.

10 JUDGE CARTER: Sure.

11 (Pause.)

12 MR. CZAJA: I have nothing further of Mr.
13 Gdanski.

14 JUDGE CARTER: Does Mr. Brandenburg have any
15 further questions?

16 MR. SOHINKI: No, sir, we don't.

17 JUDGE CARTER: No further questions of this
18 witness. He's still here for a while.

19 MR. SOHINKI: Well, Mr. Brandenburg is not in
20 the room. I don't frankly know. I think he had some
21 additional cross-examination.

22 JUDGE CARTER: Why don't you get him and see
23 if he has some more questions.

24 MR. SOHINKI: Can we take a short recess?

25 JUDGE CARTER: Well, he's only here until

1 4:30.

2 MR. HASSLE: In the meantime, I've only got a
3 couple of questions.

4 JUDGE CARTER: Well, Mr. Hassle, go ahead. Go
5 ahead.

6 CROSS-EXAMINATION ON BEHALF OF THE STAFF

7 BY MR. HASSLE:

8 Q Would you turn to page 5 of your prefiled
9 testimony?

10 A (WITNESS GDANSKI) Uh-huh.

11 Q In the first sentence of the question that
12 remains on that page, you seem to testify -- is it
13 correct that you are testifying that the Indian Point
14 facilities pose a danger and a threat to the health and
15 safety of Rockland County even if they are not
16 operational? Is that correct?

17 A (WITNESS GDANSKI) Yes.

18 Q Would you please explain the basis?

19 A (WITNESS GDANSKI) It is my understanding that
20 even if they shut it down there will be a possibility of
21 accidents occurring with what is currently on site,
22 although to a lesser extent than in an ongoing
23 operational facility.

24 JUDGE CARTER: I'm sorry, would you repeat
25 that?

1 WITNESS GDANSKI: My understanding is even if
2 Indian Point was shut down today, there are certain
3 things that could occur based on what is stored there,
4 what is on site, on premises, although the scope of an
5 accident would be less than what could occur during an
6 operational plant -- at an operational plant.

7 BY MR. HASSLE: (Resuming)

8 Q Mr. Gdanski, do you know what is stored on
9 site?

10 A (WITNESS GDANSKI) I believe there's some
11 nuclear waste on site, and other than that I don't
12 know.

13 Q I believe you suggested earlier, in response
14 to some questions from Mr. Brandenburg, that there were
15 certain aspects of the exercise scenario that members of
16 Rockland County knew about prior to the exercise.
17 Correct me if I am wrong.

18 A (WITNESS GDANSKI) No, no. The only thing
19 they knew about was that there was to be a drill the
20 following day and that they must report at a certain
21 time.

22 Q So to your knowledge that is the only aspect
23 of the scenario that they were aware of?

24 A (WITNESS GDANSKI) As far as I know, that's
25 right.

1 MR. HASSLE: I have nothing further.

2 JUDGE CARTER: Mr. Brandenburg has not
3 returned?

4 MR. SOHINKI: No, sir. But as I say, I
5 understand there was some additional examination.

6 JUDGE CARTER: Mr. Gdanski has said he will be
7 able to return. We'll get on to the next witness.

8 Do you have another witness, Mr. Thorsen?

9 MR. THORSEN: Yes, I do, Judge.

10 JUDGE CARTER: Thank you, Mr. Gdanski.

11 (Witness excused.)

12 JUDGE CARTER: We'll take a five-minute
13 recess.

14 MR. THORSEN: Judge, Mr. Gdanski has a private
15 practice and I assume he makes an effort to make a
16 livelihood from that. Could the Board give him an idea
17 of when he might be called back?

18 JUDGE CARTER: Why don't we see how things go
19 tomorrow?

20 MR. THORSEN: Fine.

21 JUDGE CARTER: We'll take a five-minute
22 recess.

23 (Whereupon, at 4:26 p.m., the hearing was
24 recessed.)

25

1 JUDGE CARTER: Mr. Thorsen?

2 MR. THORSEN: At this time I would like to
3 call to the witness stand Chief James Kralik.

4 MR. COLARULLI: Could I raise a brief matter?
5 We have hand-delivered to all of the intervenors
6 interrogatories on Questions 2 and 5 pursuant to the
7 order issued on July 19. However, we anticipated that a
8 representative from the Greater New York Council on
9 Energy and Mr. Brodsky would be here, this being a day
10 of hearing. Neither of them are here and there are no
11 representatives here from either of those groups.

12 It if is okay with the Board, we thought we
13 would simply put them in the mail.

14 JUDGE CARTER: Mr. Thorsen, can you take Mr.
15 Brodsky's from Westchester County?

16 MS. VETERE: I can take that.

17 JUDGE CARTER: The County Executive's
18 attorney, Ms. Vetere, will take care of Mr. Brodsky's
19 mail.

20 MR. COLARULLI: That just leaves the Greater
21 New York Council.

22 JUDGE CARTER: Why don't you call them up and
23 ask them? Maybe they will be here tomorrow. Those
24 other folks have already left. Why don't you call them
25 and ask how they want to receive it?

1 Is the witness ready to proceed? Chief, would
2 you raise your right hand?

3 Whereupon,

4

JAMES F. KRALIK

5 was called as a witness by counsel for Intervenor County
6 of Rockland and, having been duly sworn by the Chairman,
7 was examined and testified as follows:

8

JUDGE CARTER: Please proceed.

9

DIRECT EXAMINATION

10

BY MR. THORSEN:

11

Q Would you please state your full name,

12

business address, occupation and present employer?

13

A (WITNESS KRALIK) James F. Kralik, 55 New

14

Hempstead Road, New City, New York, Chief of Patrol,

15

Patrol Division, Rockland County Sheriff's Department.

16

Q Thank you. Do you have before you your direct

17

testimony consisting of 15 pages?

18

A (WITNESS KRALIK) Yes, I do.

19

Q Do you have any corrections or additions you

20

would like to make to your testimony to make sure that

21

your testimony is true, complete and up-to-date as of

22

this time?

23

A (WITNESS KRALIK) Not specifically a

24

correction. However, I wanted to point out that this

25

specific transcript was apparently taken off verbatim

1 from a microphone that was hooked up to a tape recorder
2 and I do not believe I am as incoherent as that, so
3 please take that into account if you have the testimony.

4 Q Thank you. With that addition to your
5 testimony, is the testimony now being provided to the
6 Board true and correct to the best of your knowledge and
7 belief?

8 A (WITNESS KRALIK) It is, sir.

9 MR. THORSEN: I would now move for the
10 admission of the direct testimony of James F. Kralik and
11 ask that it be bound into the record as if read.

12 JUDGE CARTER: Is there any objection? I hear
13 none. It will be put into the record.

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1 MR. THORSEN: Thank you, Your Honor.

2 JUDGE CARTER: Do Intervenors have any
3 questions?

4 MS. FLEISHER: I do. Can you hear me, Mr.
5 Kralik?

6 WITNESS KRALIK: Yes, I do.

7 CROSS EXAMINATION

8 BY MS. FLEISHER:

9 Q On page two of your testimony you talked about
10 the communication system and the failure of the
11 communications systems to be sufficient. Could you just
12 state quickly what you mean by that?

13 A (WITNESS KRALIK) Yes. In the specific area
14 of the radio communications, the County of Rockland at
15 the present time has one major frequency only; 37.18 is
16 the frequency, a low band frequency. We do have a
17 second channel that has just been given permission by
18 the Federal people. However, it is not yet really
19 functioning with the exception of eight walkie-talkies.
20 It would have no consequence on the matter.

21 Then, specifically getting back to that one
22 channel which is the channel by which all police
23 agencies talk to each other during such an emergency,
24 and the same channel by which most of our -- all of the
25 Sheriff's Department's dispatching would take place,

1 many of the other police agencies involved in Rockland
2 County would also be dispatched. Obviously, this system
3 of communications is totally inadequate for any plan of
4 emergency in any emergency operation. It has been in
5 the past and it will be in the future.

6 Q Have you any idea how that could be remedied?

7 A (WITNESS KRALIK) Yes. It certainly could be
8 remedied by the specific adding of additional channels.
9 Probably, though, the whole system would need an
10 overhaul and we might want to be looking at higher
11 frequency situations rather than the low band
12 frequencies that we are on presently. We are looking at
13 all of these things for regular common police matters,
14 and it has been taken into account.

15 But the system as it is today, the
16 communications system that exists in Rockland County, is
17 not compatible to seeing the mission of this plan
18 carried out.

19 Q If the money fell from heaven, how long would
20 it take to install a good system that you would like?

21 A (WITNESS KRALIK) I honestly do not have that
22 answer. That would be a question for the technical
23 people, the people that would actually put it into
24 operation -- the supply and demand question, et cetera.
25 I would not know that.

1 Q On page three you talk about the road system
2 in general and you state that the plan, most of the
3 roads are two-lane highway -- 202, 303, et cetera. Are
4 you familiar with Wayne Avenue at Stony Point?

5 A (WITNESS KRALIK) Yes, I am.

6 Q Are you aware that under the plan it is
7 considered one of the major access routes?

8 A (WITNESS KRALIK) I am sure it is, certainly
9 from the north sector.

10 Q Would you comment? Do you feel qualified to
11 comment on its ability to carry traffic?

12 A (WITNESS KRALIK) Not really. I am no expert
13 in the flow of traffic or in engineering of roads.
14 However, I can comment specifically in answer to your
15 question whether I consider myself an expert. The
16 answer is no.

17 However, in the area of traffic and the flow
18 of traffic on two-lane roads, we have certainly and I
19 have certainly witnessed in my years as a police officer
20 and police commander the simple breakdown of any vehicle
21 or the simple obstruction in the road, whether it be a
22 work operation, paving -- things everybody in this room
23 has seen -- massive delays under these kinds of
24 circumstances.

25 These are the kinds of things I was talking

1 about when I talked about the inadequacy of the roads in
2 Rockland County, the capability of these roads to be
3 immediately shut down by simple obstruction that might
4 take place during a mass evacuation.

5 Q Chief -- Sheriff -- Chief --

6 A (WITNESS KRALIK) There is a Sheriff and I am
7 the Chief of Patrol.

8 Q Chief of the Sheriff's Patrol?

9 A (WITNESS KRALIK) Right.

10 Q You handle special situations, don't you, in
11 case of large amounts of traffic, rock concerts,
12 something like that? Aren't you called in to assist the
13 local police?

14 A (WITNESS KRALIK) Yes, that is correct. We
15 handle almost all major emergencies in Rockland County
16 since the inception of the Patrol Division, in part oral.

17 Q So you have a great deal of experience with
18 crowds and with emergency situations, is that right?

19 A (WITNESS KRALIK) Yes.

20 Q And isn't your department perhaps the one with
21 the most such experience in Rockland County?

22 A (WITNESS KRALIK) I would say yes.

23 Q I notice on page four, five from the bottom,
24 you mention there are 474 police officers, all told,
25 within all the County agencies of Rockland, and then you

1 go on to describe how you don't think that is enough
2 volunteers, assuming even that you could get up enough
3 of them. Is that right?

4 A (WITNESS KRALIK) I think what we are talking
5 about there is the fact that if there are 474 -- that
6 number might have changed slightly -- these officers are
7 spread around, three shifts per day, seven days a week,
8 all year, of course. And what I am suggesting here is
9 that depending on the time frame that the emergency
10 takes place, we very easily could have, say from a
11 midnight to eight situation, where there might be only 40
12 to 50 police officers on duty in the County of Rockland
13 prepared to respond.

14 The point that I am trying to make here is
15 that there are not 470 police officers standing by in
16 some police car prepared to move immediately upon an
17 evacuation order, and that has to be taken into
18 consideration. The mere fact that we have to get our
19 people from their homes, wherever they may be, locate
20 them and bring them in is a time factor that has to be
21 and must be taken into consideration. I do not believe
22 it was taken into consideration properly.

23 Q You don't think -- the plan didn't consider
24 them, is that right?

25 A (WITNESS KRALIK) I don't believe so. If I

1 can be corrected on that, I stand corrected.

2 Q And you have to contact your Sheriffs at least
3 by telephone?

4 A (WITNESS KRALIK) That is correct.

5 Q Have you ever found the situation that the
6 telephones were so overloaded that you could not reach
7 the men you were trying to get?

8 A (WITNESS KRALIK) Yes. We have a system --
9 and I think this is worthy of mentioning. We have a
10 system called Dimension System in the County of Rockland
11 which saves the taxpayers money. However, during the
12 normal flow of business in any given day we have, I
13 think, nine trunk lines -- I could be wrong. These
14 trunk lines can be all taken up by the normal flow,
15 which denies us the capability to call out from our
16 police station.

17 Taking into account an emergency such as we
18 are talking about now in the whole County of Rockland,
19 with all their agencies responding, and I foresee us
20 having the need for a great many dimes. We do have a
21 pay phone and that would literally be the only way that
22 I could honestly feel safe to say that I could get out
23 by phone system. And this was one of the points I make
24 very early on -- that the phone system was not
25 compatible to the situation.

1 Q I am going to skip over some of the references
2 in the interests of time. If anybody is interested, I do
3 have my list here. But didn't you feel that barriers
4 were more complicated than they are worth?

5 You said in your testimony that people would
6 not pay attention to barriers, is that right?

7 A (WITNESS KRALIK) Specifically we are talking
8 about a psychological situation here -- I know I am
9 going to be cross examined on this, right, fellows?

10 MR. CZAJA: We will hear your answer first.
11 Maybe we won't.

12 WITNESS KRALIK: You get a situation where you
13 get a parent who is coming home from work and he hears
14 on his radio that this is taking place. All of a sudden
15 he comes up and he sees a volunteer officer or maybe a
16 full-time police officer standing there saying you will
17 not go any further.

18 This person's child or children is directly a
19 mile or two down that road. I have to tell you honestly
20 that I wouldn't want to be that police officer standing
21 there. I wouldn't want to be that wooden barrier if I
22 was reincarnated, and I would certainly think that any
23 parent, including myself, would have a great deal of
24 problems dealing with the fact that his child and his
25 family is down that road and he wants to see that they

1 are safe and secure.

2 That is my problem with this kind of situation.

3 Q I want to ask you something more concrete
4 about barriers themselves. How would you get barriers
5 out? Do you have vehicles for carting barriers in an
6 emergency like this, or wouldn't you better be attending
7 to other things?

8 A (WITNESS KRALIK) We have no capability. We
9 have ten wooden barriers ten feet long, and that is the
10 Sheriff's Department's capability. The highway
11 departments, each of the highway departments in Rockland
12 County, as well as the county departments, should have
13 an extra amount of barriers available that certainly
14 should be capable of performing the duties that are in
15 the plan.

16 I do not know if that has been handled, but if
17 it has been, fine.

18 Q So you wouldn't try to get out your few
19 barriers?

20 A (WITNESS KRALIK) No. We would not do that.
21 We would request the highway department take care of any
22 scene with respect to wooden barriers. I would
23 specifically state the wooden barrier means nothing if
24 it is not enforced by police officers or police
25 personnel from any service standing there to make

1 sure -- at least to make an attempt to make sure -- the
2 barrier was honored.

3 Q Are you aware that in the plan it requires or
4 requests or suggests that barriers be hauled to the
5 scenes and used on the roadways?

6 A (WITNESS KRALIK) Oh, yes. Oh, yes.

7 Q Do you have any helicopter facility of your
8 own?

9 A (WITNESS KRALIK) The Sheriff's Department
10 does not have a helicopter facility of its own.
11 However, we have access to the HELP, which is the
12 Helicopter Emergency Lift Program of Rockland County.

13 Q Do you have anyone who can man that helicopter?

14 A (WITNESS KRALIK) Our Department does not.
15 There are police officers from at least two separate
16 police agencies in Rockland County -- Orangetown and
17 Clarkestown -- that do.

18 Q So you would not contribute in any way to the
19 use of that helicopter in an emergency?

20 A (WITNESS KRALIK) Only in the possibility of
21 an observer going up with the pilot if that is required
22 in the flight situation. That might be capable -- we
23 might be capable of doing that.

24 Q Now regarding protective gear, as I understand
25 it, is it true that you have none for your men?

1 A (WITNESS KRALIK) We have none at this time
2 that I know of. In fact, let me come back on that. We
3 have none.

4 Q If they were to have to go out to an area
5 where there might be a plume passing over, they would
6 have nothing to wear to protect themselves other than
7 their regular clothing?

8 A (WITNESS KRALIK) No. They would have nothing
9 as far as that is concerned in the way of protective
10 clothing. I must answer you in another way on this. I
11 am not sure whether they need anything or not. I don't
12 know.

13 One of the questions we have been talking
14 about was what was needed in the way of protective
15 gear. I think one of the problems we had was if you
16 took a police officer, a policewoman, or policeman, he
17 is a human being, she is a human being, and they are
18 certainly going to have some concerns. And we had best
19 be able to give them the answers as to what they can
20 expect out there prior to sending them out.

21 Q Are there no classes given at the fire
22 training center as to what to wear?

23 A (WITNESS KRALIK) I believe there was one
24 class. We had a sergeant that was there. I think it
25 was the day before or two days before.

1 Q Right before the drill, was it not?

2 A (WITNESS KRALIK) I believe so. I believe it
3 was the day before.

4 Q There were sponsored some classes?

5 A (WITNESS KRALIK) I believe so.

6 Q And nothing has happened to you since that
7 time?

8 A (WITNESS KRALIK) Not that I know of.

9 Q It is not a part of the regular training of
10 police officers?

11 A (WITNESS KRALIK) I do not know.

12 Q I'm sorry -- of the Sheriff's Office.

13 A (WITNESS KRALIK) There has been no training
14 that I know of. However, our police academy might have
15 in some way responded and I could be -- I think that
16 should be checked with the Police Academy, to see if
17 they have incorporated some training on that. The
18 Office of Emergency Services might know the answer.

19 Q Do you keep any dosimeters in your station?

20 A (WITNESS KRALIK) No, not that I know of.

21 Q How would you get them in an emergency?

22 A (WITNESS KRALIK) I believe that we were going
23 to have them distributed through either the Health
24 Department or the Office of Emergency Services.

25 Q They would bring them to you?

1 A (WITNESS KRALIK) I'm not sure of the
2 mechanism.

3 Q What would be the scenario if we had a siren
4 go off, as you have stated it? (a), they wouldn't have
5 clothes, and (b) they wouldn't have dosimeters and (c)
6 they would be worried about their families. Can you
7 give me some idea of the picture you would project?

8 MR. CZAJA: I object to that question. We've
9 gotten into the area where the witness has said he
10 doesn't know whether they need protective clothing.
11 There has been no testimony that police officers need
12 dosimeters, as the witness testified that that is within
13 the purview of the Health Department.

14 MR. BRANDENBURG: Moreover, Mr. Chairman, I
15 think this question is asking for some behavioral
16 speculation on the part of this witness. How
17 appropriate that might be for other witnesses, I don't
18 think it is appropriate at this juncture.

19 JUDGE CARTER: Well, the question is limited
20 to the Chief and his people, not society in general.
21 Would you restate your question?

22 MS. FLEISHER: I will make it simpler.

23 BY MS. FLEISHER: (Resuming)

24 Q Those men who work in the Sheriff's Department
25 under you, do you have any contract agreement with them

1 for them to come to work the moment they hear the siren
2 before caring for their families?

3 A (WITNESS KRALIK) We have no procedure at this
4 point regarding anything to do with coming work in case
5 of an emergency at the Indian Point plant, if that is
6 what you are asking me. There is no procedure.

7 Q Did you have a procedure prior to Rockland's
8 pulling out of the plan?

9 A (WITNESS KRALIK) No. Obviously in case of an
10 emergency we will put calls to all of our people and
11 expect them to report to headquarters no matter what the
12 emergency.

13 Q Right away, is that it?

14 A (WITNESS KRALIK) We would hope so, to the
15 best of their ability.

16 Q Have any of them been instructed by you or
17 someone in your Department to make arrangements for
18 their families to be moved under such circumstances and
19 in their absence?

20 MR. CZAJA: Objection to the question.

21 MS. FLEISHER: It is a matter of planning,
22 Your Honor. I am not asking for any conjecture. I am
23 just asking if this idea was ever planned to be put to
24 the people who work in the Department for the Sheriff.

25 JUDGE CARTER: Ask your question again. I am

1 not sure I understand precisely.

2 MS. FLEISHER: I asked if there was any
3 procedure in the Sheriff's Department whereby employees
4 or what you might say other Sheriffs were advised to
5 make preparations for their families in the event of
6 emergencies so that when they received a call they would
7 not have to worry about their families and hop in their
8 cars and come to work.

9 JUDGE CARTER: I will permit the question.

10 WITNESS KRALIK: The answer is no.

11 BY MS. FLEISHER: (Resuming)

12 Q I believe you said also in your line of duty
13 you have no ability to force people to stop going from
14 where they want to go. What do you do on a regular
15 occasion when somebody tries to go up the street and
16 you, for some reason or another, close the door?

17 A (WITNESS KRALIK) You have the ability to use
18 that force which is necessary to seek compliance with
19 the lawful order of a police officer. I am just stating
20 in my opinion at what point does the force become a
21 negative force, at what point does it become outrageous,
22 and at what point do we go beyond minimal force to the
23 point of the possibility of major force being used by
24 police agents and police officers.

25 And I am not sure that determination has been

1 made by anybody in this room or anyone else.

2 Q You don't now own any scooters, is that right?

3 A (WITNESS KRALIK) No.

4 Q I know you have horses, isn't that right?

5 A (WITNESS KRALIK) We do, yes.

6 Q You stated that you thought the horses would
7 get around better than anything, right?

8 A (WITNESS KRALIK) Well, rather than say yes or
9 no to that one, we looked at this situation with the
10 folks that came in representing the people doing the
11 planning. One of our concerns was if we did have
12 traffic congestion -- all right -- and there was
13 blockage, there was obstruction and everything had come
14 to a dead standstill and we were talking two-lane roads
15 and we would assume that in many cases people would
16 simply skip out of line and start taking over the
17 north-south -- in other words, both lanes would be taken
18 up. How do we get a police car in to the scene to
19 resolve the obstruction?

20 The answer is we don't unless we have a
21 helicopter and would have many of them getting to these
22 scenes. We are not going to get from any specific area
23 to the point of obstruction because the roads are
24 already blockaded for the most part all the way down the
25 line. It could be a series of obstructions.

1 My thought would then that we would have
2 vehicle such as motor scooters, which I thought was an
3 economical method by which we could do it, in which we
4 could go along sides of roads -- things of this nature.
5 Four-wheel drive vehicles and horses would pay a role.

6 Any time in the past that we have had major
7 traffic congestion we have utilized the horses to get
8 from one point to another where a vehicle would simply
9 not be able to move. And if anybody doubts what I am
10 saying, the next time you are going on a thruway and you
11 stand still for fifteen minutes and you keep going and
12 you get there and there has been a fender-bender there
13 and everybody is rubbernecking, you know exactly what I
14 am talking about.

15 Q How do you get to the horses?

16 A (WITNESS KRALIK) That might be a difficult
17 situation, as well, of getting the horses from one
18 point -- from headquarters, from there out to the
19 road -- but we assume we will be able to get the horses
20 in to our headquarters or to a specific point,
21 especially since we have our headquarters along Route
22 202, that they might in some way be utilized in the
23 capability to control traffic if the obstructions do
24 take place

25 All I am saying is that the obstruction is

1 taking place. It might be very possible to get police
2 vehicles to and from those scenes.

3 Q And you foresee that they would take place, is
4 that right?

5 A (WITNESS KRALIK) I would see no reason that
6 they would not take place, considering that in normal
7 conditions of everyday driving they happen all the time.

8 Q If we had an accident during commuting time,
9 would you think that we could handle the traffic under
10 those circumstances?

11 A (WITNESS KRALIK) We have, certainly, but it
12 takes time.

13 Q I'm sorry. I meant a radiological accident.
14 If we had to evaluate some section.

15 A (WITNESS KRALIK) It would add to the
16 problem. There is no question about that. I have no
17 answers to anybody here about the effectiveness of the
18 plan at all. That will remain to be seen.

19 Q What I would like to ask you is a theoretical
20 question in the sense of do you have any way of
21 evaluating -- at certain times of the day we have
22 commuter traffic. At other times of the day we have
23 people going to and from the beaches. Is there ever
24 really a time when the roads are so empty that you feel
25 it would be so advantageous to our good luck if we had

1 to have an evacuation? What would those times be?

2 A (WITNESS KRALIK) Well --

3 MR. CZAJA: Objection to the form of the
4 question.

5 JUDGE CARTER: Rephrase it.

6 MS. FLEISHER: Rephrase it? Okay.

7 BY MS. FLEISHER: (Resuming)

8 Q I am trying to find out from the Chief when
9 is -- I hate to say it -- the best time to have an
10 accident, but I guess that is what I mean.

11 A (WITNESS KRALIK) I would assume it would be
12 those times when the roads are least used, and those
13 would be the late hours of any given day or the early
14 morning of any given day.

15 Q And not during the day?

16 A (WITNESS KRALIK) Yeah. I would have to
17 conclude if you were to ask me specifically if I had a
18 preference, and if God contacted me, I would tell him
19 from midnight to eight.

20 Q From midnight to eight.

21 A (WITNESS KRALIK) Yeah.

22 Q I think that's a good answer.

23 JUDGE CARTER: Could you clarify your
24 description of the Rockland County cavalry?

25 WITNESS KRALIK: I took a lot of ribbing about

1 that. It is a very sensitive area for me.

2 JUDGE CARTER: I told Judge Paris instead of
3 raising dogs he ought to raise horses.

4 WITNESS KRALIK: We have fourteen sworn
5 Sheriffs who are members of our Reserve division who own
6 their own horses. They volunteer their time. They are
7 well-trained. They are police training school trained.
8 All the horses are trained as trained police horses, and
9 these people are.

10 And, again, they are in a situation where we
11 would have to reach them to get them and their horses
12 out. My suggestion was, when I suggested the use of
13 horses, I am talking about the full-time capability of
14 the Department to have horses on board and in stable,
15 which is not uncommon at this point in time.

16 The horse is returning very obviously to the
17 forefront of law enforcement throughout this whole
18 region.

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1 JUDGE CARTER: Presently are the deputies on
2 horses dispersed throughout the county?

3 WITNESS KRALIK: That is correct, they are.

4 JUDGE CARTER: In a rather even geographical
5 --

6 WITNESS KRALIK: I cannot answer that. I'd
7 have to take a good look at where they live. But they
8 would be within each of the townships, I'm sure, in some
9 way. Not necessarily the horses, though. Some of the
10 horses are centrally boarded at a stable, not all.

11 JUDGE CARTER: Thank you.

12 Do any of the interested states -- Ms.
13 Kessler, do you have a question?

14 MS. FLEISHER: I think I have a question or
15 two more, if I might.

16 JUDGE CARTER: I'm sorry.

17 JUDGE PARIS: While you're looking to see if
18 you have a couple of other questions, I have a couple of
19 questions I would like, to follow up on what you asked
20 earlier.

21 You may not be the one that's best qualified
22 to answer this question, but on the basis of your
23 experience and understanding what is the problem with
24 the telephone system in Rockland County?

25 WITNESS KRALIK: The one that we have, the

1 County of Rockland, is a Dimension system. It's a
2 special system specifically engineered for our use.

JUDGE PARIS: When you say "ours," the police
4 department's?

5 WITNESS KRALIK: The sheriff's department,
6 headquarters, and the Dimension system for the county
7 office building, county courthouse, the same building;
8 they're all the same. We work off the same system.

9 JUDGE PARIS: Is that the same problem you
10 were having today, Mr. Reporter?

11 THE REPORTER: Yes.

12 JUDGE PARIS: So the nine trunk lines you're
13 talking about are part of that system?

14 WITNESS KRALIK: Sure.

15 JUDGE PARIS: And are these trunk lines that
16 connect you with the Bell system? Does the Bell system
17 serve the rest of the county or what?

18 WITNESS KRALIK: I am not really the person
19 that you want to ask the technical question to, sir.
20 All I can tell you is that on a given day, without an
21 emergency situation, I have literally had the problem of
22 trying to get an outside line on our phones at
23 headquarters, and we have a system that if we cannot get
24 an outside line we put the phone down into the cradle
25 and we wait for a ding, ding, ding. When ding, ding,

1 ding comes up, we pick the phone up and we dial the
2 number again. And that has happened on occasions when
3 there were no emergencyies.

4 My suggestion to this group is that if a real
5 emergency took place and the County of Rockland threw
6 all of its resources into this from the chairman's
7 office, the county attorney, whatever offices were on
8 this Dimension came into play, we would be in a very
9 difficult situation getting at to calling other agencies
10 and calling our own personnel.

11 Therefore, I am suggesting that the phones
12 must be made compatible to the mission.

13 JUDGE PARIS: I see. So you would have a hard
14 time just getting out of the county government system
15 onto the county-wide system, is that what you're
16 saying?

17 WITNESS KRALIK: That's what I'm saying.

18 JUDGE PARIS: I see.

19 BY MS. FLEISHER: (Resuming)

20 Q I hate to mention the jail to you today, but
21 would you tell us, please, what preparation you would
22 have to move those persons in the jail if it was
23 necessary

24 WITNESS KRALIK: We have I don't believe at
25 this time any specific response to the radiological

1 evacuation system. However, there have been evacuations
2 of the jail prior, at least one that I was in command
3 of, and that was in 1973 when the jail was destroyed by
4 the inmates themselves. So we were able to evacuate the
5 plant within a three or four-hour period.

6 Q And took the inmates somewhere else?

7 A (WITNESS KRALIK) To Osining. I don't believe
8 they'll want to go there if there's a problem up at
9 Indian Point.

10 Q Now, in line with your duties in traffic jams
11 and special events such as might take place at Rockland
12 Community College, we notice it is right across the
13 street from the ten-mile EPZ. That road is the
14 demarcation. Supposing the sirens went off and some
15 part of that area was evacuated, that road. People
16 wouldn't be standing around grilling hamburgers just
17 because they live across the street.

18 What would you expect would happen on the
19 roads, for instance, if Rockland Community College
20 suddenly decided to get up and go?

21 A (WITNESS KRALIK) Well, it depends on again
22 the time of day. If they were to cancel out the school,
23 certainly all the vehicles within the parking lots of
24 Rockland Community College would then be on Viola and
25 College Road and Spook Lock Road attempting to leave the

1 area.

2 Q Have you any idea how many there are?

3 A (WITNESS KRALIK) Again, it depends on the
4 time of day and the time of the session, if it is the
5 fall semester, spring semester, summer semester. But it
6 certainly would be a sizable amount of vehicles that
7 would be a problem for those roads right there. We've
8 had many problems in the past at the Rockland Community
9 College, just on simple events such as outdoor shows and
10 van shows, things of that nature, where we've had the
11 roads completely closed all the way to the New York
12 State Thruway.

13 Q So if you have an event there, like a rock
14 event or something, you could probably even have more
15 trouble, is that right? More cars, I should say?

16 A (WITNESS KRALIK) We might have more cars,
17 yes.

18 Q I would like to try to find a way to ask you a
19 question that will be objected to, which is to state or
20 to ask you to comment on the many things that occur in
21 Rockland County -- people coming up for weekends to the
22 parks, people going to events at Rockland Community
23 College.

24 There never is a static time, is there, when
25 everything looks like the plan and when everything is

1 quiet? Wouldn't you always in a sense have some minor
2 emergency in the way of traffic?

3 MR. CZAJA: I object to the question.

4 JUDGE CARTER: Can you substitute for the word
5 "emergency" another word?

6 MS. FLEISHER: I said "minor emergency."

7 WITNESS KRALIK: I'll have to object to that
8 myself, when you put the word "plan" in.

9 BY MS. FLEISHER: (Resuming)

10 Q I'm trying to find out if it's anything other
11 than hectic.

12 MR. CZAJA: Judge, the plan doesn't assume
13 that everything is static. The plan assumes -- has
14 plans for different times of day.

15 MR. BRANDENBURG: The plan doesn't assume that
16 everything is quiet.

17 WITNESS KRALIK: Take out the "plan". Without
18 the "plan" being involved in this thing, there seems to
19 be in Rockland County a growing ability to catch up with
20 a major metropolitan center, New York City, and we do
21 not seem to have that moment of peace that we used to,
22 at least from the framework of the police system itself.

23 There were times when we could recollect, you
24 know, fondly, that there were some brief moments of
25 respite. That doesn't seem to be the case in 1982.

1 BY MS. FLEISHER: (Resuming)

2 Q Is it generally hectic, then, if I can use
3 that word?

4 A (WITNESS KRALIK) Again, it depends certainly
5 on the specific times of day, the day that we're talking
6 about. There might be moments during a tour that the
7 police officers have a little more room than the other
8 tours.

9 Q I guess I shouldn't be asking these questions
10 on break time. Thank you.

11 JUDGE CARTER: Excuse me. Chief, is there a
12 relationship between your staff -- that is, the number
13 of officers on duty -- and the quantity of traffic on
14 the roads?

15 WITNESS KRALIK: No, sir, there's not. Our
16 major function has very little to do with roads and
17 traffic and traffic control.

18 JUDGE CARTER: That is a local --

19 WITNESS KRALIK: That is the local
20 authorities, the chiefs of police. That is a very good
21 question, because that should be made very clear.

22 JUDGE CARTER: Therefore, when does the
23 sheriff's office play a part in all of -- when do you
24 assume responsibility and have a mission to perform,
25 under what circumstances?

1 WITNESS KRALIK: Our mission would come in
2 when the police department with jurisdiction has a
3 breakdown in its capability to perform or feels that it
4 is about to get involved with something more than it can
5 handle at that particular moment, and therefore requests
6 the aid of the sheriff's department and we will come in
7 as a supplemental force to assist the traffic, crowd,
8 emergency control.

9 JUDGE CARTER: Would you say that is your
10 primary function, to back up the local police?

11 WITNESS KRALIK: I would say, if there were
12 two primary functions, that would be one of them.

13 JUDGE CARTER: What would the other be?

14 WITNESS KRALIK: The primary function of the
15 sheriff's patrol and its mission is the protection of
16 county property, county facilities, government
17 operations and all therein, and lands as well as roads,
18 specific county roads.

19 JUDGE CARTER: Are you involved in the
20 transportation of prisoners to and from jails?

21 WITNESS KRALIK: The corrections division of
22 our department is, and the patrol division does again
23 supplement them during moments of manpower shortage.

24 JUDGE CARTER: How would you differentiate
25 between your role and that of the state police?

1 WITNESS KRALIK: Our role, again, is
2 specifically addressed to the properties of the County
3 of Rockland and the agencies within. The New York State
4 Police in the County of Rockland, their posture is one
5 in which they maintain patrols on the Palisades
6 Interstate Parkway and those roads leading in and to the
7 Palisades Parkway and the New York State Thruway.

8 JUDGE CARTER: Do you perform criminal
9 investigations?

10 WITNESS KRALIK: Yes, we do.

11 JUDGE CARTER: Only those which relate to
12 county property?

13 WITNESS KRALIK: Not necessarily. This should
14 be made clear, too. We can entertain a complaint from
15 any citizen regarding any matter for police review,
16 anywhere in Rockland County. It is the choice we make
17 based on our capability to respond.

18 JUDGE CARTER: Ms. Kessler?

19 CROSS-EXAMINATION ON BEHALF OF INTERVENOR

20 ROCKLAND CITIZENS FOR SAFE ENERGY

21 BY MS. KESSLER:

22 Q You state on page 2 of your testimony that:
23 "Without the communications system, the present police
24 communications system, being inadequate, being updated
25 with a great deal of equipment, this plan could never

1 work."

2 I recognize your previous statement about the
3 coherence of your testimony. Are you including in this
4 communications system the commercial telephone system
5 here in the county?

6 A (WITNESS KRALIK) Specifically when I
7 mentioned communications in the initial statement I was
8 referring only to the radio communication or the
9 wireless communications system.

10 Q All right. Could you tell us if emergency
11 workers, any emergency workers that you know of, would
12 have to depend upon commercial telephone for being
13 contacted?

14 A (WITNESS KRALIK) I'm sorry, would you ask
15 that question again.

16 Q Can you tell us if there are any emergency
17 workers who would have to be called up who would be
18 dependent upon the commercial telephone for being
19 contacted in your area?

20 A (WITNESS KRALIK) By commercial telephone you
21 mean the home phone?

22 Q I mean the Bell phone.?

23 A (WITNESS KRALIK) The Bell system? Yes,
24 everyone.

25 Q They would?

1 A (WITNESS KRALIK) All police personnel.

2 Q All right. That is a regular dialing system
3 which you have to dial nine on?

4 A (WITNESS KRALIK) Yes.

5 Q All right. Is it true that the telephone
6 system is less reliable in some areas than others in the
7 County? And I am thinking of the 268 exchange, for
8 example.?

9 A (WITNESS KRALIK) Did you try Sloatsburg?
10 When you say "reliable," I really am not -- I wouldn't
11 be in a position. In all honesty, I could not say.

12 Q I know people who've had difficulty with the
13 268, the Congers exchange, in just getting through, and
14 I wondered if you had knowledge of that?

15 A (WITNESS KRALIK) Not on 268. 758,
16 Sloatsburg, which is my home, is horrendous.

17 Q Would this hinder mobilization of emergency
18 workers in your estimation?

19 A (WITNESS KRALIK) For those people living in
20 those specific areas, yes.

21 Q Have there been improvements in the
22 communications capabilities since your testimony was
23 prepared?

24 A (WITNESS KRALIK) No.

25 Q Do you know if any such improvements are in

1 site?

2 A (WITNESS KRALIK) Yes, there are improvements
3 to be made. There have been requisitions. The
4 legislature has allocated a specific amount of funds for
5 an update. It is presently being bidden, I believe. It
6 will help. It will bring into account the second
7 channel a little more to the forefront, which we require
8 very desperately, a second channel system. So the
9 answer to that question is that there has been some
10 movement. It will not resolve the problem.

11 Q That was my next question. Do you believe
12 this will be adequate?

13 A (WITNESS KRALIK) No, not to the situation
14 that we're looking at with this plan. However, it does
15 improve the capability and that must be stated.

16 JUDGE CARTER: Before you leave the point,
17 what is out for bid, a communications system?

18 WITNESS KRALIK: I can't give you a specific
19 nomenclature on it, but I believe a base radio station
20 that would allow us to have two-frequency capability.
21 As I stated before, at this time we have a second
22 frequency allocated to Rockland County. However, we
23 only have, I believe, 8 walkie-talkies or 12
24 walkie-talkies that can function, with no base station
25 compatibility, which means that if you're more than a

1 mile away you would have no function. They could not
2 talk.

3 JUDGE CARTER: Are you stating that there are
4 no radios in the sheriffs' vehicles?

5 WITNESS KRALIK: That have a second frequency
6 capability, one. One radio in one car has the
7 capability at this present time.

8 JUDGE CARTER: And how many cars do you have?

9 WITNESS KRALIK: We have 12 assigned to the
10 patrol division, 12 vehicles assigned to the patrol
11 division, other than our buses and command van, et
12 cetera.

13 JUDGE SHON: As I understand it, you said you
14 have a single channel that connects all these on a
15 single channel and a base station, is that right?

16 WITNESS KRALIK: Yes, sir.

17 JUDGE SHON: But you don't have the second
18 channel that would be necessary, or even more than a
19 second channel might be necessary in a major emergency;
20 is that correct?

21 WITNESS KRALIK: That is correct.

22 BY MS. KESSLER: (Resuming)

23 Q And then a follow-up question, too. You
24 mentioned that there were improvements on the horizon,
25 and you mentioned that you believed these would not be

1 adequate in the type of situation which we are
2 addressing here.

3 Can you elaborate on that as to why you feel
4 these would not be adequate?

5 A (WITNESS KRALIK) I think the whole
6 communications system is more or less what I'm talking
7 about here, and the capability to have a second channel,
8 again, making it somewhat better than the one single
9 channel.

10 But again, if you've ever listened to the
11 communications that go on under normal conditions within
12 13 police agencies within Rockland County, and then
13 brought that forth in the type of emergency we're
14 talking about now, you will know that one or two
15 channels would simply not be adequate to handle the kind
16 of workload that would be required: the assignment, the
17 data-gathering that comes back from these people in the
18 field. You simply couldn't evaluate. You simply
19 couldn't get enough words over the air to do this kind
20 of a job. That is what I'm saying.

21 Q Thank you.

22 You state on page 5 of your testimony, in the
23 middle of the page, that: "The sheriff's department" --
24 and I'll skip a little here -- "has not had the
25 opportunity, nor was it afforded the opportunity, to sit

1 down with other police departments and coordinate this
2 plan."

3 Further: "We can honestly say that there is
4 no coordination at present between the chiefs of police
5 and the sheriff's department."

6 Do you know if there's any change in this
7 coordination status since this testimony was prepared?

8 MR. CZAJA: Judge, I'm going to object. I
9 don't know if it's helpful or not to tell us how many
10 improvements have been made. The witness was given the
11 opportunity at the beginning of his testimony to tell us
12 if there had been any changes. I don't know whether it
13 is of any help to us to tell us if there has been any
14 change.

15 MS. KESSLER: I would estimate from that,
16 then, that there has not been any change. Is that --
17 with the exception of what you mentioned that is in the
18 offering, perhaps?

19 JUDGE CARTER: Well, here I thought you were
20 asking about the coordination of the plan.

21 MS. KESSLER: I'm sorry, coordination. That's
22 right, coordination of the plan. I don't believe that
23 has been addressed yet.

24 JUDGE CARTER: You can answer that.

25 WITNESS KRALIK: Now, say it again, please.

1 BY MS. KESSLER: (Resuming)

2 Q All right. Do you know if there is any change
3 in this coordination status among the various
4 departments?

5 A (WITNESS KRALIK) Nothing of any consequence
6 at all.

7 Q All right. Did you offer suggestions and
8 criticisms of each draft of the Rockland County
9 radiological emergency response plan as it was being
10 prepared?

11 A (WITNESS KRALIK) I made one specific
12 statement that I thought was to the heart of our
13 problem, and that was that in each case I said a plan
14 has to be made, we understand that, and I would like to
15 have the opportunity to look at any plan, but I would
16 like it stated at the very beginning of each plan that
17 without proper communications and the ability to
18 perform, to carry out the mission through the
19 communications, in that one specific area, that no plan
20 could possibly work.

21 And that was the one specific statement I made
22 to each one of the people that came down, and that of
23 course was never addressed. And therefore that still
24 stands, that without the proper communications we will
25 not be successful.

1 But I take that back. I take that back. I
2 believe that our success capability is diminished a
3 great deal.

4 Q Well, my follow-up question was whether your
5 suggestions or criticisms were heeded. Your suggestion
6 was not incorporated into subsequent versions?

7 A (WITNESS KRALIK) I truthfully do not know. I
8 have not read all subsequent versions.

9 Q Okay. Are you aware of provisions -- well,
10 you are aware, I think. The previous questioner
11 established you were aware of provisions in the plan for
12 evacuation of children from schools. They are to be
13 evacuated separate from their parents according to the
14 plan.

15 How many years have you been a law enforcement
16 officer in Rockland County?

17 A (WITNESS KRALIK) 20 years this November.

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1 Q Have you ever dealt with family emergency
2 situations?

3 A (WITNESS KRALIK) Yes.

4 Q Situations in which parents are separated from
5 their children?

6 A (WITNESS KRALIK) There have been occasions,
7 yes.

8 Q Do you have an opinion as a law enforcement
9 officer in these cases about the response of Rockland
10 County citizens to these particular provisions in the
11 plan?

12 MR. CZAJA: Judge, I am going to object to
13 this. There has been no showing that these emergency
14 situations that the chief has responded to in the past
15 bear any relationship to the situation that parents
16 might hypothetically be faced with in the event of an
17 evacuation.

18 JUDGE CARTER: I am afraid it would be pretty
19 difficult, Mr. Czaja, to require the witness to have had
20 previous experience with radiological emergencies.

21 MR. CZAJA: It is not a matter of radiological
22 emergencies. We do not have any testimony on what kind
23 of situations he has responded to, but I assume from the
24 general run of police situations, they are disputes in
25 the home or other family problems and would not bear at

1 all in an emergency.

2 JUDGE CARTER: I think those questions go to
3 the weight of the testimony. I will permit the
4 questions.

5 BY MS. KESSLER: (Resuming)

6 Q I am sure that in 20 years of experience
7 individual situations have arisen in which the
8 cumulative sum of many of these situations together
9 would enable you to have some opinion on this?

10 A (WITNESS KRALIK) I have. Would you please
11 restate the question?

12 Q Yes. Give your past experience in dealing
13 with family situations and emergencies and so on, do you
14 have an opinion as a law enforcement officer about the
15 response of Rockland County citizens to the provisions
16 in the plan dealing with separate evacuations of
17 children and their parents?

18 A (WITNESS KRALIK) I would have to say it is a
19 very difficult question to answer.

20 Q I would think it has been answered already.

21 A (WITNESS KRALIK) You are talking about
22 something that may occur. I can only address myself to
23 those areas where I know that there have been problems
24 with family, with children, with the loss of a child,
25 the search for children.

1 Specifically, I have seen that the parent,
2 when it comes to the protection of his child, obviously
3 we all -- I don't think there really has to be too much
4 of an answer on this -- that is the prime concern of any
5 parent is his child, and a great many people will take
6 all sorts of drastic action in order to ensure the
7 safety of their children. No matter what anybody writes
8 in books, I have seen it contrary, that they will do
9 things that they would not do under normal conditions if
10 their children were not there or are part of the
11 emergency.

12 Q In relation to this, have you seen the public
13 education brochure sent out to residents of the 10-mile
14 EPZ by the four-county nuclear safety committee; that
15 is, the one entitled "Indian Point Emergency Planning
16 and You"?

17 A (WITNESS KRALIK) I saw the cover. I did not
18 read it.

19 Q I would like to read to you a small segment of
20 a testimony which was filed by FEMA, the Federal
21 Emergency Management Agency witnesses, regarding the
22 evacuation of school children and public education
23 programs for such evacuations. And the reference for
24 this in the testimony of FEMA, for those who would wish
25 it, is page 26, the answer to Question 49.

1 And I quote, according to the FEMA witnesses,
2 "The plan provides for the parent to leave the
3 plume-exposure pathway, the EPZ, if ordered, without
4 picking up the children at school. Children at each
5 school in this plan will be moved as a group and
6 reunited with the parents outside the plume-exposure
7 pathway, EPZ.

8 "FEMA believes that an increased public
9 education program would result in a rise in the
10 confidence level on the part of the parents in the plan
11 and lead to a reduction in the number of parents who
12 would actually drive to the school to pick up their
13 children."

14 Now, Chief Kralik, is it your opinion as a law
15 enforcement officer experienced in dealing with people
16 in stress situations that an increased public education
17 program such as described here would result in a rise in
18 the confidence level on the part of parents in the plan,
19 and would that, do you believe, lead to a reduction in
20 the number of parents who would drive to the school to
21 pick up their children? I hope that is not too long of
22 a question.

23 MR. BRANDENBURG: I object to the question.

24 JUDGE CARTER: On what basis?

25 MR. BRANDENBURG: It is hopelessly compounded,

1 and it also presumes that this witness is an expert in
2 public information rather than his area of expertise,
3 which is police work and similar activities.

4 JUDGE CARTER: I think we will allow the
5 question. I allowed the other one. I think this is
6 within the same range of his experience and training and
7 skills.

8 MR. HASSLE: My objection is that a sentence
9 was left out, and if he was going to comment on it, the
10 whole thing should be read.

11 MS. KESSLER: Well, I have three dots on my
12 paper which I did not refer to.

13 JUDGE CARTER: Well, Mr. Hassle, show the
14 witness the document.

15 (Witness reading document.)

16 WITNESS KRALIK: Do you want me to
17 specifically respond to this particular --

18 JUDGE CARTER: Do you want to repeat your
19 question?

20 WITNESS KRALIK: I don't think it is
21 necessary, sir. I understand what the question is of
22 this particular group, Question 49 through Question 50.
23 In all honesty, I would take no argument. I have no
24 argument with what they say here, because by virtue of
25 the fact that if two people less came, they would be

1 correct in what they state. So by no way or means could
2 I take an argument and say that this is completely
3 incorrect.

4 What they are stating, and it is worded very
5 carefully, is that in fact, if two people because of
6 public education, felt safe that their children would be
7 properly taken care of, they could reduce the number of
8 people driving.

9 Whether they will significantly reduce the
10 number of people driving, which goes to the true
11 question, I believe -- and I don't want to put words in
12 their mouth, but since we are all friends here trying to
13 accomplish the same task -- my answer to that would be I
14 do not know, nor at this point would I say that it could
15 possibly, from the dealings I have had with human beings
16 in response to their children and protection.

17 It would not, I do not believe, significantly
18 reduce the number of people that would still be
19 concerned and frankly not believe that government --
20 government, all forms of it -- could respond to this
21 thing and do it right.

22 Most people simply don't believe we're going
23 to do the job right, that's all there is to it. They're
24 going to worry about their kids first. That is the way
25 I believe, and that is the way I feel about it.

1 BY MS. KESSLER: (Resuming)

2 Q Yes. But, Chief Kralik, did you participate
3 in the March 3 drill at all?

4 A (WITNESS KRALIK) Yes, I did.

5 Q Do you know what the purpose of the drill
6 was?

7 A (WITNESS KRALIK) I assume to evaluate the
8 capability of Rockland County, its departments, the
9 separate agencies to respond to and carry out the
10 mission of the plan.

11 Q In your opinion, was the effectiveness of the
12 drill -- oh, I am sorry. What, in your opinion, was the
13 effectiveness of the drill to test the plan itself?

14 JUDGE CARTER: I do not understand the
15 question.

16 BY MS. KESSLER: (Resuming)

17 Q Was the drill effective? It has been claimed
18 -- well, that is no good.

19 JUDGE CARTER: Ask him if it was a fair test?

20 BY MS. KESSLER: (Resuming)

21 Q Was it a fair test of the plan, the
22 workability of the plan?

23 MR. BRANDENBURG: I would have to object to
24 the question. It presumes this witness has some
25 knowledge as to exactly how the exercise was conducted.

1 JUDGE CARTER: Well, let us narrow it down to
2 the areas in which he has concerns.

3 BY MS. KESSLER: (Resuming)

4 Q With regard to your own part in this plan,
5 now, in the drill, in your opinion, was the drill an
6 adequate test of the workability of the Rockland County
7 radiological emergency response plan?

8 A (WITNESS KRALIK) No.

9 Q Could you elaborate?

10 A (WITNESS KRALIK) Sure. You know, really, in
11 all truthfulness, the drill that took place -- was it
12 March 3rd -- in no way gave any capability for anyone to
13 evaluate the capability of the police service, the fire
14 service, or the ambulance service to respond to this
15 emergency. There's no way that an evaluation could have
16 been made that, in fact, Rockland County could or could
17 not carry out the mission. No way.

18 I mean there was nobody involved. There were
19 no ambulance corps dispatched, no firemen dispatched,
20 with the exception of one or two police officers, no
21 police officers dispatched. No one was called in. No
22 one was done anything to. So therefore, for me to sit
23 there and say I moved 20 men, I can do that playing
24 chess or Atari or something like that. But all that we
25 would really be able to prove is that I knew enough to

1 move or ask 20 men to come in to work. Whether we got
2 them in to work is another thing altogether.

3 JUDGE CARTER: Perhaps it would help if you
4 would explain what, in fact, the test required of the
5 Sheriff's office or Rockland County on March 3rd.

6 WITNESS KRALIK: Well, it required, beginning
7 with the security of the EOC, from there it required the
8 capability to respond to specific EPZ parameters to
9 block off specific areas, to deny access to those
10 areas. It required the Sheriff's Department to make
11 some considerations regarding barrier devices, use of
12 helicopters, things of that nature.

13 JUDGE CARTER: Well, did you do these things,
14 or were these things merely explained to you?

15 WITNESS KRALIK: They were asked for us to do,
16 but, in all candor, what we did is turn to somebody else
17 and say, do it, and that person, in turn, would say,
18 done. Just like somebody would come to me and say, do
19 it, I would say, done. But it wasn't done. Nobody did
20 it. Nobody moved.

21 JUDGE SHON: You mean no barriers were
22 erected?

23 WITNESS KRALIK: With one exception. We did
24 send X amount of barriers to a place along the Palisades
25 Parkway, which apparently were not needed when they get

1 there to begin with. But the real, in my opinion -- and
2 you can ask the Highway Department, they might have
3 gotten requests from other agencies -- I only requested
4 it to be moved, actually physically moved, in one
5 operation. We then specifically suggested the barriers
6 should be -- I can remember one instance where we were
7 determining to close down the whole 10-mile perimeter in
8 Rockland County. At that point, I had obviously ordered
9 that barriers be logistically set up to be moved to
10 those areas.

11 JUDGE SHON: But they were not moved there?

12 WITNESS KRALIK: No, there was no physical
13 movement. There was no physical movement of police.
14 There was no physical movement of anybody. So how do
15 you know?

16 JUDGE CARTER: In other words, it was
17 something even less than a charade. You only talked.
18 You did not even move?

19 WITNESS KRALIK: That's correct. I don't
20 think anybody said anything different than that. I hope
21 not, from the police point of view.

22 MR. LEVIN: Your Honor, we would object to
23 this testimony.

24 JUDGE CARTER: All we are asking about is what
25 you observed insofar as the Sheriff's Office of Rockland

1 County.

2 WITNESS KRALIK: That is correct. I had two
3 officers assigned to this operation besides myself.

4 MR. LEVIN: Your Honor, we would object to
5 this testimony and move to strike it. The FEMA
6 requirements for a drill are not at issue here, and that
7 appears to be what the witness is criticizing.

8 MR. BRANDENBURG: We would join in that
9 objection, Mr. Chairman. Commission Question 3 asks,
10 whether the current radiological emergency response
11 plans are in keeping with the requirements of NRC and
12 FEMA. Now, unless this witness is prepared to state or
13 unless Ms. Kessler can form a foundation, can lay a
14 foundation, rather, for establishing that this exercise
15 was not conducted in accordance with the requirements of
16 NUREG-0654, it is clearly beyond the mission of this
17 proceeding.

18 JUDGE CARTER: Well, the motion is denied on
19 the grounds that the testimony of the witness assisted
20 the Board in coming to an understanding of what the word
21 "exercise" meant in all the prior testimony.

22 Any more questions, Ms. Kessler?

23 MS. KESSLER: Well, one small one relating to
24 this, and then I just have one more.

25 BY MS. KESSLER: (Resuming)

1 Q In your opinion, to test the plan or to do a
2 true drill, should populations be involved?

3 MR. LEVIN: Objection, Your Honor.

4 MR. BRANDENBURG: Same objection, Your Honor.
5 We are on a search here for what the optimal drill
6 requirements are. Our duty is to ascertain whether or
7 not the March 3rd exercise as well as other emergency
8 planning activities in Rockland County have been
9 conducted in conformance with NRC and FEMA guidelines.
10 That is exactly what was set forth by Exhibit 3 of the
11 Commission's order.

12 Now, these questions, quite the contrary, seek
13 some optimal view as to what emergency planning
14 exercises might be.

15 JUDGE CARTER: I am going to sustain the
16 objection because I do not want to get into a whole
17 population question, but not because I do not think that
18 the inquiry can include an evaluation of the drill.
19 Continue.

20 MS. KESSLER: Thank you.

21 BY MS. KESSLER: (Resuming)

22 Q You have already dealt with the availability
23 of a helicopter. Is there one helicopter available in
24 Rockland County?

25 A (WITNESS KRALIK) Yes, there's one

1 helicopter.

2 Q One. In your opinion, can a situation or
3 could the a situation on the ground be properly assessed
4 without the use of a helicopter? This is for traffic
5 control and for surveillance of the ground situation.

6 MR. CZAJA: Objection to the form of the
7 question.

8 MR. LEVIN: And also, Your Honor, are we
9 talking about the exercise now? What are we talking
10 about?

11 MS. KESSLER: Equipment, availability of
12 equipment.

13 MR. LEVIN: With respect to the exercise?
14 With respect to some other --

15 JUDGE CARTER: I took the question to be in
16 the event of an evacuation.

17 MS. KESSLER: Yes.

18 JUDGE CARTER: Answer it in that regard: in
19 the event of an evacuation.

20 WITNESS KRALIK: The helicopter would enhance
21 our capability to evaluate any situation regarding
22 traffic flow and traffic congestion.

23 JUDGE CARTER: I take it if you had sufficient
24 communications, you would not need the helicopter?

25 WITNESS KRALIK: We could do it without the

1 helicopter. Maybe it would take a little more time,
2 depending on our capability to communicate with each
3 other.

4 JUDGE CARTER: Whose helicopter is it?

5 WITNESS KRALIK: The County of Rockland. And
6 it is a group effort. It is there for all services that
7 are involved in emergency service operations.

8 MS. KESSLER: Just one more.

9 BY MS. KESSLER: (Resuming)

10 Q You state on page 13 of your testimony that
11 you have "witnessed in Rockland County panic set in on
12 numerous occasions with large groups of people where
13 they have reacted and behaved improperly due to the fact
14 that there was either a fear or a need to get someplace
15 very quickly for whatever emotional reason, you could
16 take it."

17 I would like to show you a segment of the
18 Rockland County emergency response plan. In that, this
19 is the primary evacuation route map.

20 JUDGE CARTER: Do you want this identified?

21 MS. KESSLER: I should have brought more
22 copies. I am sorry. Yes, please. That, I believe,
23 would be ICSC 2. This, I repeat, is a segment of a
24 large map which may be on the wall, I believe -- or, no,
25 that is bus routes. This is a segment of a map in the

1 ICSC ERP Rev. 1 8/1/81, map of primary evacuation routes
2 for Rockland County. And this is only the Rockland
3 County segment of that large map.

4 (The document referred to
5 was marked ICSC Exhibit
6 Number 2 for
7 identification.)

8 JUDGE CARTER: Proceed.

9 BY MS. KESSLER: (Resuming)

10 Q Chief Kralik, are you familiar with the routes
11 shown on this map?

12 A (WITNESS KRALIK) Most of them.

13 Q Is it your understanding that these would be
14 the main exit routes for Rockland residents in the event
15 of an order to evacuate due to an accident at Indian
16 Point; that is, under the plan, whatever its status is
17 at this point?

18 A (WITNESS KRALIK) It would be my
19 understanding, based on my understanding of the title of
20 the map, yes.

21 Q Would you describe for the record why have you
22 used the examples of the four corners of Nanuet that is
23 at the bottom of the map in the evacuation route,
24 labeled Middletown Road? Would you describe for the
25 record why have you used, for an example, the four

1 corners in Manuet as a "normal condition" of inadequate
2 roadways?

3 A (WITNESS KRALIK) It wasn't in reference to
4 the evacuation plan that I used that specific area. My
5 point was that under normal conditions without an
6 evacuation plan such major arteries as Route 59, which
7 is one of our, if not the, specific east-west capability
8 in the County of Rockland other than the New York State
9 Thruway, that on a condition where we have a large
10 shopping, which is almost everyday, you can hardly
11 move. Certainly, we have all witnessed that on Sundays,
12 Sunday afternoons going over to Manuet.

13 My point was if that could happen under normal
14 conditions, what will take place? I would also point
15 out that in reference to this question, don't take into
16 account just the roads that are in this plan. To be
17 clear, if all these roads are clear, it makes no
18 difference if the roads around them are obstructed or
19 broken down.

20 If we managed to keep every one of these roads
21 clear and somebody else doesn't maintain the capability
22 to have the access out of that area -- the egress,
23 excuse me -- out of that area maintained and those
24 roadways open into the essential areas of recuperation,
25 then there is going to be no way to get them out

1 either. You can only get so many people down, you
2 know.

3 JUDGE CARTER: Now, Chief, can you describe on
4 this ICSC 2 where Nanuet is?

5 WITNESS KRALIK: Well, I don't believe I see
6 where Route 59 is.

7 MS. KESSLER: It is not on this map. It did
8 not come out on this copy.

9 WITNESS KRALIK: It may not be on the map at
10 all, but it would be parallel from I-87 running east and
11 west from Nyack to the Village of Suffern, New York.

12 MR. CZAJA: Judge, can we find out whether it
13 is south of I-87 or north of I-87?

14 MS. KESSLER: It is north of I-87.

15 WITNESS KRALIK: They might go over each
16 other. I think they go like this in a couple of
17 places.

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1 JUDGE CARTER: Well, excuse me. Could you
2 secure a better copy so all the roads would be on there
3 and the route numbers?

4 MS. KESSLER: The copy in the plan is in pale
5 blue, and I have the copies of it here. I have the
6 large maps, but it does not reproduce.

7 JUDGE CARTER: Well, Ms. Kessler, the witness
8 has identified Nanuet and Route 59. What you can do is
9 make photocopies and then write in with a colored pen or
10 a dotted line or a hatched line and show this is Route
11 59 and Nanuet. Those are the two areas, I think.

12 BY MS. KESSLER: (Resuming)

13 Q My other question on this is, it appears that
14 New Hempstead Road, which has many developments and
15 roads entering onto it, joins with Middletor and
16 Middletown Roads, which also has many development roads
17 and driveways and other roads coming onto it. And that
18 traffic must all, apparently, go down Middletown Road,
19 to or toward Nanuet on Route 59.

20 And this is taken to the edge of the emergency
21 planning zone, and after that I assume that that's it.
22 I mean, it doesn't -- the roads are here, the map shows
23 the arrows. Large numbers of people live on these
24 roads.

25 My purpose in this is trying to tie this in

1 with normal conditions for those of us who live in the
2 county, as you have described the normal conditions of
3 that intersection. I don't know how to bring that out
4 any further.

5 A (WITNESS KRALIK) We can all take notice,
6 there is a large amount of traffic when there is
7 shopping. But I'm not sure that really putting the map
8 in assists us any further in understanding the point,
9 because it's really a volume and a time equation that
10 needs to be studied.

11 But you can think it over and maybe you will
12 come to a method of explaining it, if you think that
13 this diagram will explain it, or some other method.

14 Q In line with this, the situation as you have
15 described in Nanuet of Route 59 and Middletown Road --

16 JUDGE CARTER: Excuse me. I take it you are
17 speaking of the area identified on this map as 35E?

18 MS. KESSLER: Yes, it is 35E, where the
19 Middletown Road leaves off. There's a final arrow right
20 there.

21 JUDGE CARTER: You mean where it crosses the
22 Palisades Parkway?

23 MS. KESSLER: It's right after that, yes.

24 JUDGE CARTER: South of that.

25 MS. KESSLER: Yes. And Route 59 crosses

1 approximately, I believe -- and I'd have to see the
2 other map -- at the end of that black line.

3 JUDGE CARTER: Are you speaking of where
4 Palisades Parkway intersects route 304 or north of
5 that?

6 MS. KESSLER: The Palisades Parkway intersects
7 Middletown Road just north of this major intersection of
8 Route 59.

9 JUDGE CARTER: What is your question?

10 BY MS. KESSLER: (Resuming)

11 Q My question deals with -- first, I wish to
12 establish the normal conditions of that intersection on
13 normal shopping days, if you will. And I think Chief
14 Kralik has done this.

15 And my question -- just a moment, please.

16 (Pause.)

17 Q It appears from the evacuation route map that
18 this is a major evacuation artery, and I would like to
19 refer once again to testimony filed by the FEMA
20 witnesses in which they state on page 24, in answer to
21 question 44: "In over 30 years of research, the
22 evidence is that a negligible portion of persons panic
23 in disaster situations."

24 I was going to skip a section, but perhaps I
25 better read the whole thing: "The research covers a

1 range of situations from massive strategic bombing in
2 Europe to the two atomic bombs dropped on Japanese
3 cities during World War Two, through more recent natural
4 and technological hazards, including the Three Mile
5 Island accident and the eruption of Mount St. Helen's,
6 and it includes fires, floods and earthquakes." That
7 was to fill in the three dots.

8 JUDGE CARTER: And you are comparing these
9 events with shopping in Nanuet?

10 MS. KESSLER: No, I'm not. I did not wish to
11 conclude that, but I do not want to be called upon that
12 I had left out a portion of this paragraph. So I put it
13 all in this time.

14 JUDGE CARTER: Will you be finishing pretty
15 soon?

16 MS. KESSLER: Yes. Now I'm getting to the
17 point. I continue with the point. "Panic occurs only
18 under special circumstances, e.g., when people are faced
19 with a highly visible and immediate threat to survival
20 within an enclosed area and escape routes are closed
21 off."

22 BY MS. KESSLER: (Resuming)

23 Q Given the normal condition of traffic in that
24 area and the fact that this is a primary evacuation
25 route, or would be in the case of a major reactor

1 accident, would you agree that panic might occur in this
2 situation?

3 MR. CZAJA: Mr. Chairman, I'm going to
4 object. To the extent we can discern a question here,
5 she seems to be cross-examining the Chief on what the
6 FEMA witnesses' map. It might have been appropriate to
7 show the FEMA witnesses a map and ask them if shopping
8 in Nanuet or what have you was comparable to what they
9 were talking about, but I don't think it is possible to
10 put that question to this witness.

11 And I think if objections were sustained about
12 when the FEMA witnesses' comments were put to Gdanski
13 --

14 JUDGE CARTER: Objection sustained.

15 MS. KESSLER: I'll leave that one.

16 BY MS. KESSLER: (Resuming)

17 Q A final short question. Can the sheriff's
18 patrol communicate via radio with municipal police, for
19 example Stony Point or Haverstraw police, effectively?

20 A (WITNESS KRALIK) It depends on the
21 circumstances. We can communicate.

22 JUDGE CARTER: Does that mean you're on the
23 same wavelength on the radio?

24 WITNESS KRALIK: Yes. 3718 is an all-county
25 channel, all county agencies. Effectively, that answer

1 remains to be seen, depending upon the situation that
2 arises.

3 JUDGE CARTER: Are you speaking about excess
4 traffic on the frequency? Is that why you say
5 "effectively"?

6 WITNESS KRALIK: Yes.

7 JUDGE CARTER: In other words, it depends on
8 how many calls are in progress?

9 WITNESS KRALIK: Certainly.

10 JUDGE PARIS: Do the towns have their own
11 police departments?

12 WITNESS KRALIK: Yes, they do.

13 JUDGE PARIS: Are they on the same channel?

14 WITNESS KRALIK: They are. I believe
15 Haverstraw town and Stony Point Township utilize the
16 3718 as their main channel, along with the sheriff's
17 department and the Town of Ramapo police department.
18 Specific towns and possibly one village or two have
19 their own second channel that they can only speak to
20 their own vehicles on and have no interface with anyone
21 else.

22 JUDGE PARIS: You can't call them?

23 WITNESS KRALIK: No. Well, we can call them
24 on the 3718 channel. The point is, there is only one
25 channel -- I think maybe that is the way to clarify it.

1 There is only one channel, 3718, that we can all talk on
2 at once. No other channel exists.

3 JUDGE PARIS: But you can communicate with any
4 town on that channel?

5 WITNESS KRALIK: On 3718, yes.

6 JUDGE PARIS: But if you're communicating with
7 that town --

8 WITNESS KRALIK: No one can communicate at the
9 same time. No one can talk to another officer. On any
10 ordinary day, you will hear the interface back and forth
11 between people stepping on -- you know, somebody stepped
12 on you, somebody cancelled you out. You hear all of
13 that going on under normal, ordinary circumstances.

14 JUDGE CARTER: Ms. Kessler?

15 MS. KESSLER: I have no more questions.

16 JUDGE CARTER: Thank you.

17 Well, it's almost ten minutes of 6:00 and I
18 think it's a little late to start the cross. Chief, can
19 you return in the morning?

20 WITNESS KRALIK: Not exactly at 9:00 o'clock,
21 sir. I have a prearranged situation tomorrow that
22 requires my presence.

23 JUDGE CARTER: Could you return in the
24 afternoon?

25 WITNESS KRALIK: Yes, I could.

1 JUDGE CARTER: All right. Well, keep in touch
2 with Mr. Thorsen's office.

3 Mr. Thorsen, can we have other witnesses in
4 the morning?

5 WITNESS KRALIK: I could possibly be here by
6 10:30 or 11:00 o'clock.

7 JUDGE CARTER: All right, we'll try to
8 accommodate you.

9 MR. CZAJA: Judge, can we find out who Mr.
10 Thorsen will have first thing tomorrow?

11 JUDGE CARTER: Yes. Mr. Thorsen?

12 MR. THORSEN: James Maguire.

13 JUDGE CARTER: And then?

14 MR. THORSEN: Don Maguire.

15 JUDGE CARTER: Don Maguire.

16 Okay. We will reconvene at 9:00 a.m. in the
17 morning.

18 (Whereupon, at 5:50 p.m., the hearing in the
19 above-entitled matter was recessed, to reconvene at 9:00
20 a.m. on Tuesday, July 20, 1982.)

21 * * *

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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: July 19, 1982

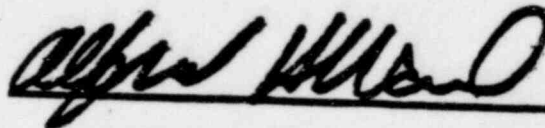
Docket Number: 50-247 SP and 50-286 SP

Place of Proceeding: New City, New York

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Alfred H. Ward

Official Reporter (Typed)



Official Reporter (Signature)