

ORIGINAL

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DKT/CASE NO. 50-247 SP and 50-236 SP
TITLE CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point Unit 2) - POWER AUTHORITY OF
THE STATE OF NEW YORK (Indian Point Unit 3)
PLACE White Plains, New York
DATE March 16, 1983
PAGES 10,038 - 10,153

EVENING SESSION

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

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	:	Docket Nos.:
	:	
In the Matter of:	:	
	:	
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
	:	
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Ceremonial Courtroom
Westchester County
Courthouse
111 Grove Street
White Plains, N.Y.

Wednesday, March 16, 1983

The hearing in the above-entitled matter
convened, pursuant to recess, at 6:10 p.m.

BEFORE:

- JAMES GLEASON, Chairman
Administrative Judge
- OSCAR H. PARIS
Administrative Judge
- FREDERICK J. SHON
Administrative Judge

1 APPEARANCES:

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

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19 Shea and Gould

20 On behalf of the Nuclear Regulatory
21 Commission Staff:
22 DONALD HASSLE, Esq.
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24 On behalf of the Federal Emergency Management
25 Agency:

STUART GLASS, Esq.

On behalf of the Intervenors:

Council of the City of New York:

CRAIG KAPLAN, Esq.

New York Public Interest Research Group:

AMANDA POTTERFIELD
JOAN HOLT, Esq.

1 APPEARANCES (Continued)

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33 Rockland County:

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35 ERIC THORSEN

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		<u>C O N T E N T S</u>			
<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>RE-DIRECT</u>	<u>RE-CROSS</u>	<u>BOARD</u>
1					
2					
3	Ed Connelly and Earle Ellefson				
4	By Ms. Potterfield	10,042			
	By Mr. Czaja		10,049		
5	By Ms. Potterfield			10,053	
	By Judge Paris				10,061
6	By Judge Gleason				10,062
7	Alma Cormican				
	By Ms. Potterfield	10,064			
8	By Mr. Brandenburg		10,077		
	By Mr. Czaja		10,080		
9	By Ms. Potterfield			10,081	
10	Susan Teasdale, Theodora Dyer,				
11	Nancy Sheer and Mary Bulleit				
12	By Ms. Potterfield	10,089			
13	Marie Tompkins				
	By Ms. Potterfield	10,116			
14	By Mr. Brandenburg		10,119		
15	Cleland S. Conklin				
	By Ms. Potterfield	10,124			
16	Raymond Bowles				
17	By Ms. Potterfield	10,130			
	By Mr. Czaja		10,139		
18	By Mr. Brandenburg		10,147		
	By Ms. Potterfield			10,148	
19					
20	Prepared Testimony of Messrs. Connelly and Ellefsen				page 10,048
21	Prepared Testimony of Alma Cormican				page 10,076
22	Prepared Testimony of Ms. Tompkins				page 10,118
23	Prepared Testimony of Mr. Bowles				page 10,138
24					
25	RECESS: 10,104				

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

2 JUDGE GLEASON: Let's proceed.

3 MS. POTTERFIELD: I will call Ed Connelly and
4 Earle Ellefson.

5 Whereupon,

6 ED CONNELLY

7 and EARLE ELLEFSON

8 were called as witnesses, and having been first duly
9 sworn, took the stand, were examined, and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MS. POTTERFIELD:

13 Q Mr. Connelly, would you state your name and
14 address for the record, please?

15 A (WITNESS CONNELLY) My name is Ed J.
16 Connelly. I live at 11 Courtland Place, Ossining, New
17 York.

18 Q Do you have before you a copy of the testimony
19 that you wish to submit to the Atomic Safety and
20 Licensing Board?

21 A (WITNESS CONNELLY) Yes, I do.

22 Q Do you have any additions or corrections to
23 your testimony?

24 A (WITNESS CONNELLY) Yes, I have two
25 corrections, one in the first paragraph, on the third

1 line. I would like to insert the word "past" just
2 before "treasurer," since my term expired in December.

3 And in the third paragraph, on the seventh
4 line -- the sixth line, I am sorry, I would like to
5 insert the sentence, "I, able to ride on weekdays, am
6 required to be on duty 48 hours per month."

7 And then preface the next sentence with, "Up
8 until I became available for weekday duty, I," and then
9 continue with the sentence, "like most of our active
10 members," and so forth.

11 Q So that the second sentence will read, "I,
12 like most of our active members, was required to be on
13 duty 72 hours per month?"

14 A (WITNESS CONNELLY) Yes. That is correct.

15 Q With those corrections and additions, is your
16 testimony true and accurate to the best of your
17 information and belief?

18 A (WITNESS CONNELLY) Yes, it is.

19 MS. POTTERFIELD: I move the admission into
20 evidence of the testimony of Edward Connelly as if
21 read.

22 JUDGE GLEASON: All right. Why don't you deal
23 with Mr. Ellefson, and then we will treat the objections
24 at the same time?

25 BY MS. POTTERFIELD: (Resuming)

1 Q Mr. Ellefson, will you state your name and
2 address for the record?

3 A (WITNESS ELLEFSON) My name is Earle R.
4 Ellefson. I live at 104 Cedar Lane in Ossining.

5 Q Do you have before you a copy of the testimony
6 you wish to submit to the Atomic Safety and Licensing
7 Board?

8 A (WITNESS ELLEFSON) Yes, I do.

9 Q Do you have any additions or corrections to
10 your testimony?

11 A (WITNESS ELLEFSON) Yes. I would like to add
12 the word -- let's see, to the last sentence of the
13 center paragraph, where it says, "equipped or even
14 apprised of our responsibilities." I would like to add,
15 "realistically apprised," so that it reads, "equipped or
16 even realistically apprised of our responsibilities in
17 the event of a nuclear disaster."

18 Q With that correction, is the testimony true
19 and accurate to the best of your knowledge and belief?

20 A (WITNESS ELLEFSON) Yes.

21 MS. POTTERFIELD: I move the admission into
22 evidence of the testimony of Earl Ellefson as if read.

23 JUDGE GLEASON: Is there objection to the
24 receipt of the testimony of the witnesses?

25 MR. FARRELLY: Your Honor, Con Edison has

1 objected to the entry of these witnesses' testimony, and
2 our reasons are stated at Pages 9 and 10 of our motion.

3 MR. CZAJA: Judge, in the case of Mr.
4 Connelly, I am objecting to Lines 33 and 34, which
5 begins at the fourth from the last line of the next to
6 the last paragraph, where he states, "In discussing this
7 with other corps members, I find that at least 95
8 percent of them will do the same."

9 I object to that on the grounds that it is
10 unreliable hearsay. I have no way of cross examining
11 the other 95 percent who supposedly are referred to
12 there.

13 MS. POTTERFIELD: Are you ready to hear
14 argument, Judge Gleason?

15 JUDGE GLEASON: Yes, I am.

16 MS. POTTERFIELD: With regard to Con Edison's
17 objection to all of the testimony of Mr. Connelly, the
18 objection is that -- the grounds of the objection are
19 not clear to me, but they are -- the objection is that
20 the testimony consists of one person's statement of his
21 beliefs of what he would do in an emergency.

22 As we have discussed before, it is our
23 contention that this is most material to this hearing,
24 and given Mr. Connelly's very important duties as an
25 emergency worker, it is particularly important for the

1 Board to hear his testimony.

2 With regard to the objection to one sentence
3 of Mr. Connelly's testimony, in which he describes his
4 findings about his discussions of emergency response
5 with other corps members, it is concededly hearsay.
6 However, the unreliability of it is a question that
7 could be explored on cross examination. We don't know
8 how he discussed it with other corps members, whether or
9 not it was a survey that could be accepted by the Board
10 as reliable.

11 MR. CZAJA: Judge, in the response to a lot of
12 these objections is the implication that in our cross
13 examination we are supposed to supply or remedy the
14 objection. I think the burden is for the proponent of
15 the direct testimony to include those indicia of
16 reliability in the direct testimony, and not to say,
17 well, let's see what happens on cross examination.

18 JUDGE GLEASON: Are you speaking to me or the
19 attorney for the intervenors?

20 MR. CZAJA: I am speaking to you, Judge.

21 JUDGE GLEASON: I really don't need that
22 comment. I appreciate any kind of help I can get.

23 MS. POTTERFIELD: Shall I move on to Mr.
24 Ellefson?

25 JUDGE GLEASON: Please.

1 MS. POTTERFIELD: Mr. Ellefson's testimony has
2 been objected to only by Con Edison. Again, it is
3 objected to because it is duplicative, and because it
4 includes conclusory statements about the inadequacies of
5 emergency planning, and "jammed traffic routes," without
6 specifying the routes or the alleged inadequacies.

7 It is simply, Con Edison argues, another
8 citizen's unsupported speculation and questioning
9 whether emergency workers will perform their assigned
10 responsibilities. I remind the Board that Mr. Ellefson
11 is an emergency worker, that his statements as to his
12 anticipated response in the event of a radiological
13 emergency, is very material to the issues before the
14 Board.

15 JUDGE GLEASON: All right. Thank you.

16 (Whereupon, the Board conferred.)

17 JUDGE GLEASON: The Board feels, Ms.
18 Potterfield, that this really is skirting the thin edge,
19 if I can refer to it in those words, of admissible
20 material. We are going to deny the objections that have
21 been made simply because these individuals do represent
22 organizations and services that will be involved in an
23 evacuation if an evacuation is ordered.

24 However, there is one sentence in Mr.
25 Connelly's statement, and that is -- which has been

1 objected to, and that is where he discussed the matter
2 with other corps members, and finds at least 95 percent
3 of them will do the same. That is clearly outright
4 hearsay, and that sentence will be deleted.

5 Other than that, we will deny the objections
6 for the purposes stated.

7 Hearing no further objection, the testimony of
8 the witnesses as revised or with the deletions indicated
9 will be received into evidence and bound into the
10 testimony as if read.

11 [The testimony of Ed Connelly and Earle
12 Ellefson follows.]

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STATEMENT TO THE LICENSING & SAFETY BOARD OF THE NPC

My name is Edward J. Connelly. I live at 11 Cortlandt Place, Ossining, NY. I am an Emergency Medical Technician certified by the State of New York. As an active member and Treasurer of the Ossining Volunteer Ambulance Corps I am very concerned with the plans developed to implement an evacuation of the area around Indian Point in the event of a nuclear accident and the reliance upon the great number of support personnel required for the successful implementation of the plan.

The altruism of the people intended to support the evacuation is assumed to be boundless. Assumptions are made in the plan calling for a wide range of people to give up their personal safety as well as endangering the safety, security and future of their family. The list of these support people is long. It includes bus drivers, teachers, doctors, nurses, police officers, fire fighters, correctional officers, public officials, disaster management specialists, and ambulance personnel. As a member of the last

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104 Cedar Lane
Ossining, New York 10562
June 4, 1982

Pat Posner
22 Park Trail
Croton-on-Hudson, N.Y. 10520

Dear Pat:

As a parent and as Captain of the Ossining Volunteer Ambulance Corps, I am very concerned about the grave inadequacies of the Nuclear Disaster Evacuation Plan. The plan, as currently formulated, in no way provides for the traffic jammed exit routes and chaotic conditions that will invariably result from such a massive evacuation. Moreover, the plan assumes the availability of busses and emergency vehicles with trained personnel to operate them.

Unfortunately, I am of the opinion that in such a situation virtually all such personnel faced with the personal decision to remain behind to handle the plan's assignments or to gather up their families and run like hell will opt for the latter. I am confident however that this likelihood is reversible and stems from the fact that such emergency service organizations as O.V.A.C., although eminently qualified to handle almost any disaster situation, have never been trained, equipped or even apprised of our responsibilities in the event of a nuclear disaster.

I sincerely hope that a new, more realistic and responsible plan will be generated as soon as possible. Its formulation should reflect input from the various area emergency service organizations and provide for equipping and training them to properly implement the plan if necessary.

Very truly yours,

Earle R. Ellefsen
Captain
OSSINING VOLUNTEER
AMBULANCE CORPS, INC.

ERE:be

1 JUDGE GLEASON: Proceed, Mr. Czaja.

2 CROSS EXAMINATION

3 BY MR. CZAJA:

4 Q Mr. Connelly, how many members are there in
5 the Ossining Ambulance Corps?

6 A (WITNESS CONNELLY) I am not exactly sure. It
7 is between 70 and 80.

8 Q And how many ambulances does the corps have?

9 A (WITNESS CONNELLY) Two.

10 MS. POTTERFIELD: Would you speak into the
11 microphone, Mr. Connelly?

12 WITNESS CONNELLY: There are two ambulances.

13 BY MR. CZAJA: (Resuming)

14 Q And how many members of the corps are required
15 to operate one ambulance?

16 A (WITNESS CONNELLY) A normal crew consists of
17 four, one who is a qualified driver, another who is a
18 qualified AEMT-3, which is an advanced form of emergency
19 medical technician. They are qualified to give advanced
20 life support, including defibrillation, IV therapy, and a
21 more advanced form of respiratory therapy.

22 Q So that is two individuals per ambulance? Is
23 that correct?

24 A (WITNESS CONNELLY) No, there are four
25 individuals on the ambulance, one of whom is a driver,

1 one of whom is an advanced emergency medical technician,
2 and the other two are either emergency medical
3 technicians or trained in first aid.

4 Q And essentially these tasks are rotated among
5 the 70 or 80 members of the corps? Is that correct?

6 A (WITNESS CONNELLY) No, there are
7 approximately 20 qualified drivers, and approximately 15
8 AEMT-3's in the corps. The rest are either EMTA's or
9 are trained in Red Cross first aid.

10 Q And for each group, the drivers, the AEMT's
11 and the remaining two individuals on the ambulance,
12 essentially, is each pool of individuals on call on a
13 rotating basis?

14 A (WITNESS CONNELLY) If I understand you
15 correctly, yes, there is always -- the driver is pulled
16 from a pool, the AEMT-3 is pulled from a pool. Some
17 drivers are also AEMT-3's, so it is not as if you have a
18 pool of 20 and a pool of 15 to pull from.

19 Q Has there ever been a situation where you have
20 been unable to staff an ambulance when one is required?

21 A (WITNESS CONNELLY) Unable to staff?

22 Q An ambulance.

23 A (WITNESS CONNELLY) For a primary call, I
24 don't know.

25 Q Mr. Ellefson, do you know? Do you have any

1 information on that subject, to your knowledge?

2 A (WITNESS ELLEFSON) In our 25 years of
3 operation, we have never had a problem staffing the
4 first ambulance to roll. However, in daytime situations
5 where we do not have many members in town, there have
6 often been difficulties getting a second ambulance out,
7 so that we have two ambulances out simultaneously.

8 Q Am I correct, then, if I can use the phrase,
9 in the regular course of running your emergency
10 ambulance service, you do on occasion have difficulty in
11 staffing the second ambulance?

12 A (WITNESS ELLEFSON) That is correct.

13 Q Have you taken any steps to remedy that
14 situation?

15 A (WITNESS ELLEFSON) It is not something that
16 is easily remedied, and I am sure it is a problem that
17 exists throughout the state and perhaps throughout the
18 nation. There are only so many volunteers to pull from
19 in the daytime. Most people leave town, or they are
20 working, and they are just not available.

21 Many ambulance corps are not able to get out
22 even a first rig in the daytime, so we are fortunate
23 that more often than not we can get a second rig out,
24 but there are indeed times when we can't get a second
25 rig out, and yes, we are taking steps to try to remedy

1 that by initiating a large membership drive.

2 Q Mr. Ellefson, in your testimony, in the second
3 sentence of the testimony, you state, "The plan as
4 currently formulated in no way provides for the traffic
5 jammed exit routes and chaotic conditions that will
6 invariably result from such a massive evacuation." Have
7 you reviewed the Radiological Emergency Response Plan?

8 A (WITNESS ELLEFSON) Yes.

9 Q Have you reviewed the traffic control
10 provisions of that plan?

11 A (WITNESS ELLEFSON) No. The radiological
12 response plan perhaps -- the documents that I have that
13 have been provided to me are the Radiological Emergency
14 Response Procedure for Ambulance and Medical Services
15 and the New York State Radiological Emergency
16 Preparedness Program Emergency Worker Reference Manual.
17 That is the only information that has been provided to
18 me as an ambulance corps officer.

19 I did, as did everyone else in the ten-mile
20 region, receive this Indian Point Emergency Planning and
21 You document, that indicates evacuation routes for our
22 area, and that is the sum total of the documents that I
23 have.

24 MR. CZAJA: Thank you. I have no further
25 questions.

1 MR. FARRELLY: No questions, Your Honor.

2 JUDGE GLEASON: Any redirect?

3 MS. POTTERFIELD: Yes.

4 REDIRECT EXAMINATION

5 BY MS. POTTERFIELD:

6 Q Mr. Ellefson, you were asked about your
7 statement that the plan in no way provides for the
8 traffic jammed exit routes and chaotic conditions. Is
9 that testimony based upon your understanding of the
10 brochure, the Indian Point Emergenc Planning and You
11 brochure, or is it based upon the other two documents
12 that you indicated you had?

13 A (WITNESS ELLEFSON) There is no information
14 whatever in the other documents I have about
15 evacuation. The ambulance corps has not been provided
16 with anything about evacuation or about routes that
17 ambulances should take to get anywhere. It has been
18 intimated in some of these documents that at the time of
19 an emergency, someone will give us information.

20 So, my testimony is based upon, yes, the
21 information in this Indian Point Emergency Planning and
22 You document and an extrapolation of personal
23 observations of the crowded road conditions leaving
24 Ossining in the morning rush hour, okay, at which time I
25 am sure something on the order of perhaps one-quarter of

1 the number of people are leaving on those routes that
2 would be in the event of an evacuation.

3 Q Will you tell us from which source you
4 received the Emergency Worker Reference Manual and the
5 other document that you indicated you had?

6 A (WITNESS ELLEFSON) The Emergency Worker
7 Reference Manual was provided to me by a detective, a
8 Westchester County detective, who is a past captain of
9 the ambulance corps and received it through his agency.
10 Okay. We did not receive one directly through the
11 ambulance corps.

12 Q And tell me again, what was the other document
13 that you say you have?

14 A (WITNESS ELLEFSON) The other document I
15 received was one that came in the mail approximately a
16 week and a half ago, and that is the Westchester County
17 Radiological Emergency Response Procedure, titled
18 Ambulance and Medical Services.

19 Q Did you receive that in the mail addressed to
20 you personally?

21 A (WITNESS ELLEFSON) Yes. Earle Ellefson,
22 Captain, Ossining Volunteer Ambulance Corps.

23 Q And that was last week you received it?

24 A (WITNESS ELLEFSON) Well, the exact postmark
25 of the document was March 1st of '83.

1 JUDGE PARIS: Could I ask you a quick
2 question? Who sent it to you?

3 WITNESS ELLEFSON: This was sent by the
4 Westchester County Emergency Medical Services Council,
5 Incorporated.

6 BY MS. POTTERFIELD: (Resuming)

7 Q Do you know what that is, the Westchester
8 County --

9 A (WITNESS ELLEFSON) Yes, the EMS Council is a
10 governing body, so to speak, of ambulance corps, and
11 they coordinate the emergency medical services in the
12 area.

13 Q It is a state agency, then, is it? I mean, a
14 county agency?

15 A (WITNESS ELLEFSON) It is a county agency.

16 Q Now, have either of you received any training
17 with regard to your expected response as ambulance
18 drivers in the event of a radiological emergency?

19 A (WITNESS CONNELLY) I haven't received any.

20 A (WITNESS ELLEFSON) On March 7th of this year,
21 I did attend a radiological emergency seminar that was
22 held by the New York State Office of Disaster
23 Preparedness. To date, that has been the only training
24 that we have received. At that time, we were then
25 invited to bring some of our members up to Mohican to

1 attend the seminar.

2 Q How many of your members did attend?

3 A (WITNESS ELLEFSON) Five.

4 Q That is five out of how many?

5 A (WITNESS ELLEFSON) Well, out of approximately
6 70. The individuals that we brought were the ones who
7 were responsible for the training of the rest of the
8 corps.

9 Q What was the content of the training?

10 A (WITNESS ELLEFSON) The training was basically
11 discussion of the nature of radiation, some discussion
12 on how an atomic energy type plant works, and there was
13 discussion about effects of radiation on workers and the
14 population, what the limits of radiation exposure were
15 to be for various activities, and there was discussion
16 on the use of geiger counters and dosimeters, personal
17 dosimeters, neither of which we have been provided.

18 Q Were you trained about protective clothing?

19 A (WITNESS ELLEFSON) We were given some
20 information about protective clothing, yes. We were
21 told only in as far as -- we were told that it would be
22 advisable to wear breathing gear, which unfortunately we
23 do not have

24 Q To wear what?

25 A (WITNESS ELLEFSON) A respiratory protector,

1 Scottair type devices which the fire departments usually
2 carry, and that any other clothing that we could put on
3 that we could subsequently remove would be of benefit,
4 for example, hats, gloves, whatever other outer
5 garments, coats or whatever, that we could put on and
6 then subsequently remove and dispose of.

7 Q Did that training that you received, Mr.
8 Ellefson, change your opinion that you gave in your
9 testimony prepared June 4th, 1982, particularly the
10 opinion that in such a situation virtually all such
11 personnel faced with the personal decision to remain
12 behind to handle the plan's assignment or to gather up
13 their families and run like hell will opt for the
14 latter, has that opinion changed?

15 MR. CZAJA: I object as improper redirect.

16 JUDGE GLEASON: Why is it improper?

17 MR. CZAJA: Judge, she is in effect cross
18 examining her own witness as to whether the witness has
19 changed the opinion of the direct testimony.

20 JUDGE GLEASON: That is all right. He has
21 talked about he has received some training since the
22 statement came out, or he has been at a session, and she
23 wants to know whether it has changed his conclusion. I
24 think we would all like to know that.

25 Go ahead, respond.

1 WITNESS ELLEFSON: No, it has not changed my
2 opinion. As a matter of fact, if anything, I might have
3 come out of this seminar more concerned, in that the
4 seminar director had repeatedly stated that we should
5 all try to avoid radiation. Even in the event of having
6 dental ex-rays, we should ask for lead aprons and the
7 like to wear. And in the event of a radiological
8 emergency such as we are talking about, of course, we
9 wouldn't have lead aprons, and the protective gear that
10 we have is minimal.

11 And moreover, an item that came up scared me,
12 in that we were talking here about what sort of doses
13 were acceptable for emergency workers, and we came to
14 the realization that we have no way of determining that,
15 because we have neither dosimeters nor geiger counters,
16 and when I asked from whence these devices would come if
17 there was an emergency tomorrow, I could not be told.

18 I was told that, well, they think they are
19 somewhere up in Putnam County. And then I directed a
20 question to the instructor at the seminar, and asked
21 him, well, who is going to bring them from Putnam County
22 down past the nuclear disaster to Ossining to get them
23 to us so that we can survey the area before we went into
24 it, and he couldn't answer the question.

25 So, no, my opinion hasn't changed.

1 BY MS. POTTERFIELD: (Resuming)

2 Q When is your next training seminar scheduled?

3 A (WITNESS ELLEFSON) There is none scheduled.

4 This was a one-shot deal that lasted approximately three
5 hours.

6 Q And what about you, Mr. Connelly? When are
7 you scheduled to have your training?

8 A (WITNESS CONNELLY) As far as I know, I am not
9 scheduled for any training at all.

10 Q In the course of the training, were you
11 instructed what you should do in the event that the
12 sirens sounded at Indian Point?

13 A (WITNESS ELLEFSON) No. The whole discussion
14 was simply about radiation, protective gear, what kinds
15 of contamination there were, what doses we could expect,
16 and the uses of equipment to monitor it. There was
17 nothing about evacuation. There was nothing about how
18 we should modify our normal procedures, or what
19 priorities should take effect, or where we would
20 report. There was really nothing appropriate to our
21 operation other than to educate us somewhat in
22 radiation.

23 Q Then I take it that the five that you
24 testified, that the five people who received this
25 training were then to train the other men and women in

1 the core? Are there women ambulance drivers?

2 A (WITNESS ELLEFSON) That is correct. We are
3 probably about 50-50. Yes. We are planning on having
4 what we call an ambulance education seminar, in which
5 the people who attended the seminar would then
6 disseminate the information to other corps members.

7 Q Is that planned to happen?

8 A (WITNESS ELLEFSON) Well, since this just
9 happened last week, we haven't had time to plan it yet,
10 but yes, it will happen some time within the next couple
11 of months.

12 Q Were you given special instructions to give to
13 the women ambulance corps drivers, Mr. Ellefson?

14 A (WITNESS ELLEFSON) No.

15 Q Were you given any special instructions
16 regarding the age of emergency workers?

17 A (WITNESS ELLEFSON) No. I might step back a
18 bit in that. It was mentioned in the seminar that
19 pregnant women and small children were to -- were more
20 susceptible than the rest of the population, if that is
21 what you meant by special instructions for women
22 ambulance personnel. That is the only comment, really.

23 MS. POTTERFIELD: I don't have any other
24 questions.

25

BOARD EXAMINATION

1 BY JUDGE PARIS:

2 Q Captain Ellefson, do you know where in Putnam
3 County the dosimeters and geiger counters are being
4 kept?

5 A (WITNESS ELLEFSON) No, I do not.

6 Q Do you know what agency has them?

7 A (WITNESS ELLEFSON) No, I do not.

8 Q When you attended this course, were you told
9 that rain coats could serve as protective clothing if
10 you didn't have anything else?

11 A (WITNESS ELLEFSON) Well, we were told that,
12 as I mentioned, any additional coats or jackets you
13 could put on would be appropriate. They indicated,
14 since this was at a fire department the seminar was
15 held, that turnout coats that firemen wear were a good
16 item to wear.

17 Q Do you know the difference between radiation
18 and radioactive material that is falling out?

19 A (WITNESS ELLEFSON) Yes.

20 Q In terms of radiation and radioactive material
21 that is falling out, were you told what the rain coats
22 would protect you from?

23 A (WITNESS ELLEFSON) Yes, it would protect us
24 from radioactive materials that are falling out. There
25 is no protection whatever against radiation, except --

1 well, it is effective against alpha type emission and
2 perhaps beta type emission, but it was not protection
3 against gamma emission, which I was led to believe from
4 some of these documents that we have would be one of the
5 major problems.

6 JUDGE PARIS: Thank you.

7 BY JUDGE GLEASON:

8 Q We had a couple of witnesses today who
9 testified that the ambulance and fire services of the
10 Ossining area, which I presume you handle the village?

11 A (WITNESS ELLEFSON) Yes, the village and town
12 of Ossining.

13 Q That they received no training whatsoever, and
14 I thought I did hear that you just referred to -- that
15 you did go to one training session?

16 A (WITNESS ELLEFSON) This was about a week ago,
17 so it is very recent, and there may be many people who
18 don't know that we attended this. I don't know who you
19 are talking about.

20 Q This was a supervisor of Ossining village. So
21 I presume he would know about it. But that is not a
22 major part of our remarks. I thought -- or a major part
23 of my comment. I thought I heard you say that you had
24 been invited, and your other personnel had been invited
25 to a session at Mohican?

1 A (WITNESS ELLEFSON) That's right.

2 Q When is that to occur?

3 A (WITNESS ELLEFSON) That is the seminar we
4 went to. That was the one on March 7th.

5 Q I see. And of the personnel that you have,
6 how many attended that?

7 A (WITNESS ELLEFSON) Five.

8 Q Five out of what?

9 A (WITNESS ELLEFSON) Out of 70. It wasn't
10 really appropriate to try to bring everybody. It is, I
11 think, unworkable to ask everybody in the corps to try
12 to attend.

13 Q And you now intend to take the information
14 that they received and communicate that information to
15 the rest of the 70. Is that correct?

16 A (WITNESS ELLEFSON) Correct.

17 Q And do you think that is going to be a help?

18 A (WITNESS ELLEFSON) It is better than what
19 they have now.

20 Q Do you know what a dosimeter is?

21 A (WITNESS ELLEFSON) Yes, I do.

22 Q Did they show you a dosimeter at this training
23 session?

24 A (WITNESS ELLEFSON) Yes, they did.

25 JUDGE GLEASON: Thank you, gentlemen. You are

1 excused.

2 (Witnesses excused.)

3 MS. POTTERFIELD: I request the Board's
4 permission to take a witness out of order. We have a
5 panel scheduled to appear next, and not all of the
6 members of that panel are here, and I request permission
7 if it wouldn't be too much trouble to call the next
8 witness, Alma Cormican, to the stand before the panel,
9 to give them all a chance to appear.

10 JUDGE GLEASON: All right.

11 MS. POTTERFIELD: Alma Cormican.

12 Whereupon,

13 ALMA CORMICAN

14 was called as a witness, and having been first duly
15 sworn, took the stand, was examined, and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MS. POTTERFIELD:

19 Q Would you state your name and address for the
20 record?

21 A (WITNESS CORMICAN) Yes, my name is Alma
22 Cormican. I live at 11 Mountain Trail,
23 Croton-on-Hudson. I am president of the White Plains
24 Teachers Association. Our offices are at 500 North
25 Street, White Plains.

1 Q Ms. Cormican, do you have before you the
2 document that you wish to submit as testimony before the
3 Atomic Safety and Licensing Board?

4 A (WITNESS CORMICAN) I do.

5 Q Do you have any additions or corrections to
6 that testimony?

7 A (WITNESS CORMICAN) I had submitted previous
8 testimony, and I wish to ensure that the second copy is
9 the one that is under scrutiny. It is six entire pages,
10 and has no date upon it.

11 Q Unfortunately, Ms. Cormican, my understanding
12 is that the last testimony that was submitted is the
13 document that is five and a half or five and one-quarter
14 pages. That is, Page 6 is only a quarter of a page, and
15 it is dated February 11th, 1983. It is that document
16 that we have submitted as your testimony.

17 Do you have any additions or corrections to
18 that document?

19 JUDGE GLEASON: That is what we have. There
20 is a date on the last page. It is five and a half
21 pages.

22 MS. POTTERFIELD: There was some confusion
23 about that, for which I apologize to the witness, but
24 that is the situation.

25 JUDGE GLEASON: Do you have additions or

1 changes in that?

2 WITNESS CORMICAN: Well, yes.

3 JUDGE GLEASON: We will have to adjourn for a
4 minute.

5 (Whereupon, a brief recess was taken for a
6 fire alarm.)

7 JUDGE GLEASON: Ms. Potterfield, how do you
8 want to handle this apparent discrepancy in testimony,
9 if there is one?

10 MS. POTTERFIELD: What it is is supplemental
11 testimony which was submitted by Ms. Cormican and never
12 was forwarded by us to the Board for some reason of
13 clerical error. She would best like to handle it, of
14 course, by being permitted to add the additional
15 testimony at this point.

16 JUDGE GLEASON: Is it substantial additions?

17 WITNESS CORMICAN: No, I am going to cut them
18 short, Judge. I had added them after County Executive
19 O'Rourke's decision to send the children home first.

20 One of the problems that was not covered in
21 the original testimony was in White Plains the policy is
22 for teachers to call parents before sending children
23 home, and one of our major problems is foreign-speaking
24 parents. We have over 30 different foreign-speaking --
25 foreign languages being spoken in the homes of our

1 students, and it would -- on an emergency basis it would
2 be very difficult to call those parents and to inform
3 them to come and pick up their children.

4 Another point we wanted to make is that in an
5 average day in White Plains, there are 300,000 people in
6 the city, and I understand that we are slated to receive
7 about 60,000 more people with an evacuation, and we were
8 concerned that there would be almost 400,000 people in
9 White Plains with no guarantee that we wouldn't have a
10 nuclear fallout if the wind shifted.

11 And then the final point I would add is that
12 we were -- our science teachers were concerned about
13 wildlife, and how do you decontaminate wildlife, since
14 there is -- or there are so many birds and wild animals,
15 mice, et cetera, up in northern Westchester.

16 BY MS. POTTERFIELD: (Resuming)

17 Q Have you finished your additions?

18 A (WITNESS CORMICAN) I have, yes. Thank you.

19 Q With those additions, Ms. Cormican, is your
20 testimony true and correct to the best of your knowledge
21 and belief?

22 A (WITNESS CORMICAN) It is.

23 MS. POTTERFIELD: I move the admission into
24 evidence of the testimony of Alma Cormican as if read.

25 JUDGE GLEASON: Are there objections to her

1 testimony with those additions that she referred to?

2 MR. CZAJA: Yes, Judge. I have stated the
3 objections in my written motion. I would be happy to go
4 through them again and indicate the specific places.

5 On Page 1, the last line on that page,
6 starting with, "There has been no authorization by the
7 school district for the use of these buildings," we
8 object to on the grounds of hearsay.

9 JUDGE PARIS: On the ground of what?

10 MR. CZAJA: Hearsay.

11 JUDGE GLEASON: Okay.

12 MR. CZAJA: That same page, the last full
13 paragraph, starting, "One of our principals," we object
14 to that paragraph on the grounds of hearsay.

15 Page 3, the third full paragraph, starting
16 with the words, "Imagine the confusion," going on to
17 Page 4, the last full paragraph on that page, including
18 that paragraph, the last sentence, "What are bus drivers
19 supposed to do," et cetera, that we object to on the
20 ground that that entire passage on Pages 3 and 4 is
21 speculative and conclusory.

22 Page 5, starting with the first full
23 paragraph, "The evacuation plan," we object to that
24 paragraph and the succeeding paragraph on the grounds of
25 relevance, and starting with the last full paragraph on

1 that page, "Finally, I would like to return to my first
2 point," from that to the end of the testimony, we object
3 on the grounds that it is hearsay, cumulative, and
4 speculative.

5 JUDGE GLEASON: Excuse me. I didn't
6 understand that last reference that you had.

7 MR. CZAJA: It starts at Page 5, the last full
8 paragraph, "Finally, I would like to return to my first
9 point," and it continues to the conclusion of the
10 testimony. The grounds are hearsay, conclusory, and
11 speculative. I am sorry. Cumulative. I stand
12 corrected. Not conclusory.

13 MS. POTTERFIELD: Are you ready for argument,
14 Judge Gleason?

15 JUDGE GLEASON: Yes, go ahead.

16 MS. POTTERFIELD: On Page 1, the sentence,
17 "There has been no authorization by the school district
18 for the use of these buildings," is objected to as
19 hearsay, for what reason I don't know. Ms. Cormican is
20 president of the White Plains Teachers Association, and
21 has every reason to know that of her own knowledge.

22 At the bottom of that page is a hearsay
23 objection, which I won't address.

24 On Page 3, and onto Page 4, the objection is
25 that the testimony of Ms. Cormican about the White

1 Plains Intermediate School, the number of fifth and
2 sixth graders that go to school there, the number of
3 staff that are there, is all information that should be
4 important to the Board.

5 There is no reason to think that it is
6 speculative or conclusory, since it is within Ms.
7 Cormican's professional work to know this information,
8 and she has offered it to the Board, about the White
9 Plains schools that are now scheduled to be used for
10 reception centers.

11 Going to Page 5, the testimony is objected to
12 on the grounds of relevance, that testimony being that
13 the evacuation plan is to remove people from a ten-mile
14 radius. "What guarantee is there that there will be no
15 nuclear fallout in White Plains? Are people being moved
16 to our community because we know White Plains will be
17 safe? What do we do in White Plains with our swollen
18 population if there is a northwest wind? Suppose there
19 is a shift in the wind in both direction and intensity?
20 Imagine 38,000 workers trying to leave the city along
21 with 48,000 residents, plus shoppers, plus the evacuees
22 from upcountry. How do we evacuate White Plains if a
23 nuclear fallout is headed our way?"

24 And she goes on to talk about her
25 understanding of the ten-mile EPZ and the reason why it

1 ought to be expanded to greater than ten miles because
2 of the density of population in White Plains and for
3 other reasons.

4 The objection to the final paragraph on Page 5
5 on the grounds of hearsay, I don't understand the
6 objection. She talks about the high school which is
7 part of -- one of the schools within -- at which the
8 teachers in the Teachers Association teach. She has
9 every reason to know that of her own knowledge.

10 And that is all of my argument.

11 JUDGE GLEASON: How about on Page 6?

12 MS. POTTERFIELD: It is true that the first
13 two sentences on Page 6 is hearsay. The remaining
14 sentences in that paragraph have to do with Ms.
15 Cormican's belief or Ms. Cormican's doubt about the
16 response of people who work in the schools to an
17 emergency, and should be admitted on that basis.

18 (Whereupon, the Board conferred.)

19 JUDGE GLEASON: Well, it took us a while. You
20 are going to have to follow along with us. The first
21 objection on Page 1, starting with the last line, "There
22 has been no authorization," we think the sentence is
23 within her area of responsibility, and it is certainly
24 the kind of information she would be privy to, and we
25 think it ought to come in, although it is obviously

1 hearsay.

2 The bottom of Page 2, the paragraph starting,
3 "One of our principals received a letter," we think that
4 the Board and Ms. Potterfield agree that is hearsay and
5 ought to come out, and therefore the objection is
6 granted to that paragraph.

7 On Page 3, in the paragraph, "Imagine the
8 confusion," that sentence -- well, I think that whole
9 paragraph, the Board rules that whole paragraph can stay
10 in, as far as those numbers are concerned. We think
11 that is important. We can take out words like "frighten
12 children" in the first line, "Imagine the confusion at
13 the receiving schools," but the rest of the paragraph
14 can stay in. The last paragraph will go out. It is
15 speculative. It is not very meaningful testimony.

16 JUDGE PARIS: We are not taking out the
17 "children." We are just taking out the "frightened."
18 So it will say, "1,351 children."

19 JUDGE GLEASON: On Page 4, the first two
20 paragraphs are all right except the sentence that starts
21 with the last part -- well, "If you live in Peakskill
22 and your child is sent to" so and so, that is
23 speculation, and that sentence would come out, down to
24 the last sentence, which states, "Wouldn't it make more
25 sense to unit parents and children in areas with which

1 they are familiar." That stays in.

2 MS. POTTERFIELD: I don't understand what part
3 stays in, Judge Gleason.

4 JUDGE GLEASON: The first paragraph stays in,
5 and then the first half of the second paragraph stays
6 in. If you start with the phrase and the sentence, "If
7 you leave in Peakskill, and your child is sent to
8 Manaroneck Avenue School," that is speculative, and the
9 rest of that paragraph comes out, except the last
10 sentence stays in, "Wouldn't it make more sense to unit
11 parents and children in areas with which they are
12 familiar?"

13 MS. POTTERFIELD: Judge Gleason, is it clear
14 to you that if you live in Peakskill, your child will be
15 sent? I mean, that is part of the plan.

16 JUDGE GLEASON: I understand that. But to
17 have her say what people are going to do is the rankest
18 kind of speculation, and I don't know what people are
19 going to do. We were only going to start with, "You
20 will probably drive down," but the first part of the
21 sentence doesn't make any sense, so I just struck the
22 first part out as well.

23 MS. POTTERFIELD: It strikes me as not very
24 speculative. It is not particularly speculative in
25 light of the fact that if your child is sent to that

1 particular school, that is the way you would get to that
2 school.

3 JUDGE GLEASON: Well, that may be so, but
4 there may be other ways to get to that school, too.

5 MS. POTTERFIELD: But it strikes me that that
6 is something that if the licensees have any reason to
7 doubt that that is what would happen, then they could
8 ask her that.

9 JUDGE GLEASON: Well, we get back into the
10 point that Mr. Czaja was making. We are not supposed to
11 be -- You can't evaluate the testimony offered on the
12 basis as to what somebody is going to ask about it. We
13 have to evaluate it on the basis of the testimony as it
14 is before us.

15 The next sentence says, "Maybe somebody then
16 will tell you to go back to White Plains and try
17 again." Is that speculative, or is it not?

18 MS. POTTERFIELD: I was talking about the
19 first sentence.

20 JUDGE GLEASON: I know, but you see, it is
21 very difficult to piece these things together. As I
22 indicated, it is all right -- "If you live in Peakskill
23 and your child is sent to Mamaroneck Avenue School in
24 White Plains," to leave that in. That is fine. That
25 doesn't make any sense, but you can leave it in. But

1 the part, "You will probably drive down Mamaroneck
2 Avenue until you come to the Ridgeway School," I don't
3 know whether that is true.

4 MS. POTTERFIELD: That is right, and that is
5 why we have these witnesses who are from the area to
6 indicate that that is the way you get to that school.

7 JUDGE GLEASON: Then why is the word
8 "probably" in there?

9 MS. POTTERFIELD: Judge, our witnesses, unlike
10 the witnesses of the other parties to this proceeding,
11 are not professionals. They are not professional
12 witnesses. They don't testify for their profession. In
13 fact, they don't review emergency plans as part of their
14 profession.

15 JUDGE GLEASON: Well, I understand that, but I
16 can only evaluate the testimony as it is before us, Ms.
17 Potterfield. In any event, that part of that paragraph
18 comes out. The last sentence will stay in. And then
19 the paragraph that starts with "Meanwhile" can stay in,
20 and that paragraph, the rest of it, down to "The
21 district no longer owns or services," can stay in.

22 Go over to Page 5. You can leave the first
23 sentence in that starts, "What guarantee," and "Are
24 people being moved to our community." The next
25 paragraph goes out. That is rhetorical. It is not

1 material. The bottom of the page, the sentence that
2 starts, "That experience has been repeated in other
3 reception communities as well," that is hearsay. That
4 comes out.

5 And then the last sentence is hearsay
6 information and has to come out as well.

7 With those deletions, the testimony of the
8 witness will be received into evidence and bound into
9 the record as if read.

10 (The testimony of Alma Cormican follows.)

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#173

TESTIMONY FOR NUCLEAR REGULATORY COMMISSION HEARINGS

Statement of Alma Cormican, President
White Plains Teachers Association
Dammann House
500 North Street
White Plains, New York 10605

Thank you for the opportunity to express the concerns of teachers who work in the White Plains School District. Seven White Plains schools have been designated as reception areas.

Our school district signed a contract with the Red Cross on July 1, 1981 allowing the use of only the high school as a reception center and a congregate care center. The school district was between superintendents at the time. The former superintendent, Arthur Antin, had retired the previous month. He had blocked all efforts to involve our school district in any evacuation plans. The succeeding superintendent, Jerry Marcus, had not yet arrived to assume his position. Dick Greene was acting in place of the superintendent at that July 1, 1981 meeting. Dr. Greene left shortly afterwards to assume the superintendency of the Yorktown School District.

In spring, 1982 some White Plains' teachers read in The Citizen Register that the Ridgeway School was matched with a Croton school for purposes of receiving Croton students in case of evacuation due to a disaster at Indian Point. When the Association asked Dr. Marcus about it, he had it researched in school district files and found a contract with the Red Cross for use of the high school only. We asked where White Plains High School students would go and were told they'd be sent home.

In the fall, after some contacts with the Parents' Alliance to Close Indian Point I went to the White Plains Public Library and read the plan myself. Six other schools (besides our high school) are involved as reception areas. There has been no

authorization by the school district for the use of these buildings. Of those six unauthorized schools, three are no longer used by the school district. Two have been sold and one is rented. 2,564 upcounty students are slated to go to these buildings which are no longer under school district jurisdiction. What happens to these upcounty children?

The Emergency Evacuation Plan was released in August, 1981. Rosedale, North Street and Church Street were closed in June, 1979. The plan to close these schools was announced January 12, 1977 and voted into action at the February 15, 1977 Board of Ed meeting. What kind of research did Parsons, Brinckerhoff, Quade & Douglas, Inc. do to produce an emergency plan involving three school buildings whose closing was announced four and a half years prior to the publication of the plan? How reliable is this plan?

Prior to June, 1979 the White Plains Intermediate School was Highlands Junior and Elementary School. It was never called Intermediate until Church Street, Rosedale and North Street were closed. The Evacuation Plan refers to the building by its new name. How did the planners know that the Highlands School had a new name, but not that three other buildings had closed? The change of names and closing of schools were all part of the same Reorganization Plan of the White Plains School District.

One of our principals received a letter two years ago telling him his school was involved in the emergency plan. It also said that a countywide meeting would be held to discuss and refine the plan. He heard no further news and assumed there was no meeting or his school was no longer involved.

There are three open unauthorized buildings under school district authority which are designated as reception centers. They are White Plains Intermediate School, Ridgeway and Mamaroneck Avenue. We have 1,660 students in those three buildings

plus 1,955 students in our high school. We must remove 3,600 White Plains students from those schools to accommodate the incoming evacuees. How do we do that?

We do not have emergency contact cards for all our students. Most parents work. We do not have an accurate list of working parents' phone numbers. We do not have the school phones, the personnel, nor the accurate information to make 3,600 parent contacts. What do we do with our children?

There is also the problem of buses. We cannot arrange for buses to take children home until after parents have been contacted. And, most of our children go on buses. For example, of the twenty-two students in my class, two walk to school. Mine is a neighborhood school. However, as we have consolidated buildings, the neighborhoods have become larger.

Imagine the confusion at the receiving schools. Use White Plains Intermediate School as an example. There are 729 fifth and sixth graders from the entire city. The principal, two assistant principals, two secretaries and possibly four or five other people must contact 729 parents. After the contact is made and parents have made arrangements, children will be placed on buses. There are 18 buses that pick up at the Intermediate School. While school officials are contacting parents, 21 buses from upcounty may arrive with 1,351 frightened children. The roads leading into the school grounds are typically small suburban streets. The pick-up and delivery area for buses in the parking lot is limited.

Furthermore, parents from White Plains and upcounty may be driving to the Intermediate School in search of their children. Who will be in charge? Administrators and clerical staff will be making phone calls; teachers will be looking after students and there will be bedlam.

Further, our buses are on a staggered schedule. The High School is on an early schedule and the elementary schools a late one. The buses service the high school and then go on a second run for the other schools. There is no telling how White Plains could schedule an emergency send home of 3,600 students when we use the same buses twice. Understand also, some of our parents do not have private transportation to come and rescue their children.

Another factor is finding schools. Consider that parents from upcounty will be searching all over White Plains for their children. Mamaroneck Avenue School is not on Mamaroneck Avenue but on Nosband Avenue. That street is three blocks long. Ridgeway School is at the corner of Mamaroneck Avenue and Ridgeway. Most out-of-towners assume Ridgeway is Mamaroneck Avenue School. There is also a Mamaroneck Avenue School in Mamaroneck that is on Mamaroneck Avenue. If you live in Peekskill and your child is sent to Mamaroneck Avenue School in White Plains, you will probably drive down Mamroneck Avenue till you come to the Ridgeway School. Not finding your child, you will get in your car and keep driving into Mamaroneck and stop at their Mamaroneck Avenue School. Maybe someone there will tell you then to go back to White Plains and try again. Have you ever lost a child? Can you imagine the state of these people driving around White Plains searching for children? Wouldn't it make more sense to unite parents and children in areas with which they are familiar?

Meanwhile, there will be 5,521 children being delivered to White Plains in 102 vehicles plus an unspecified number of other people being delivered to White Plains High School. What are bus drivers supposed to do with the 2,564 students designated to go to the schools the district no longer owns or services?

Consider also the relationship of the school reception areas with the Associated Reception Centers. I will ignore which buildings are opened and closed for the sake of argument. Ridgeway and Rosedale buildings are in the same postal zone as White Plains

High School. It takes less than five minutes by car to travel between them. Yet both Ridgeway and Rosedale are associated with Woodlands High School in Greenburgh. If the White Plains High School cannot accommodate any more associated school reception areas, wouldn't it make more sense to choose buildings closer to Woodlands?

The evacuation plan is to remove people from a ten mile radius. What guarantee is there that there will be no nuclear fallout in White Plains? Are people being moved to our community because we know White Plains will be safe?

What do we do in White Plains with our swollen population if there is a northwest wind? Suppose there is a shift in the wind in both directions and intensity. Imagine 38,000 workers trying to leave the city along with the 48,000 residents plus shoppers plus the evacuees from upcounty. How do we evacuate White Plains if a nuclear fall out is headed our way?

The plan is for a three day evacuation period. How do we know it is only going to be three days at the maximum? What does White Plains do if it is a longer stay?

Are there any plans to test water for contamination in the receiving areas? If the three day period of evacuation is extended, from where would food supplies come and what is the likelihood of contamination?

Finally, I would like to return to my first point. Only our high school has been authorized by the Board of Education for use in this evacuation plan. They had no knowledge of the scope or responsibility accorded the White Plains schools in this evacuation plan until I brought it to our superintendent's notice. That experience has been repeated in other reception communities as well. No one seems to be considering the plight of the receiving communities.

Our superintendent has stated to the Red Cross "We do not expect to use our staff should the high school or any other facility be needed." Who will run the furnaces? Even if the superintendent instructs the custodial staff to remain and help, do you really believe they will risk contamination? I suspect that the poor creatures from upcounty will be treated as "lepers of old" and that the community of White Plains will seek its own self-protection.

We teachers in White Plains urge you to reject this evacuation plan.

MAC/nc

2/11/83

1 JUDGE GLEASON: Do you want to proceed with
2 cross examination?

3 CROSS EXAMINATION

4 BY MR. BRANDENBURG:

5 Q Ms. Cormican, you state on Page 1 of your
6 testimony that at some point in 1982 you went to the
7 White Plains public library and read the plan. Are you
8 referring now to the voluminous plan or to the booklet?

9 A (WITNESS CORMICAN) To the great big blue
10 binder, and I took out some pages that had to do with
11 our school due to the fact that the information was not
12 available in our school district.

13 Q Do you know what amendments to the plan have
14 been included in the version of the plan which you
15 reviewed in the White Plains public library?

16 A (WITNESS CORMICAN) I have some knowledge from
17 the newspapers, yes.

18 Q Well, as you were reviewing the plan, did you
19 notice small subscripts in the corners, the dates of
20 revision pages, things of that sort?

21 A (WITNESS CORMICAN) No, I only read the
22 newspapers. I have not gone back to the library.

23 Q So while you were in the library, you don't
24 recall seeing any written materials in the large volumes
25 that you reviewed that indicated to you what mandatory

1 materials had or had not been included in the version?
2 You just read what was on the shelf, in other words? Is
3 that correct?

4 A (WITNESS CORMICAN) That is right, and I read
5 it in the fall, so the changes came about after -- after
6 I had read it.

7 Q Now, are you aware of any efforts that have
8 been made subsequent to the time that you went to the
9 White Plains public library and reviewed the plan to
10 amend the plan to correct errors, make changes, things
11 of that sort?

12 A (WITNESS CORMICAN) Yes. I met with Ms.
13 Delinabeck and our superintendent of schools, Jerry
14 Marcus, the last Wednesday in February, over at our
15 board of education, and at that time she told me that
16 County Executive O'Rourke was sending the children home
17 rather than sending them directly to the schools in
18 White Plains.

19 Q Well, actually, I was interested in the
20 references you make over on the Page 2 about the
21 misidentification of schools and things of that sort.
22 Are you aware of any efforts which have been made since
23 the time you reviewed the plan in White Plains Public
24 Library to correct such errors as school
25 misidentifications and the like?

1 A (WITNESS CORMICAN) No, I am not.

2 Q Have you inquired of anyone as to whether or
3 not such changes have been made?

4 A (WITNESS CORMICAN) No, I have not.

5 Q Now, in the amendments which you gave to us
6 orally, at the time your testimony was introduced, you
7 referred to the O'Rourke plan, or words to that effect,
8 and I think you have characterized it as sending the
9 children home.

10 A (WITNESS CORMICAN) The upcounty children. I
11 want to make a distinction between those children and
12 our children in White Plains.

13 Q Well, that might be a useful place to explore
14 your familiarity. You are aware that only a portion of
15 Westchester County is included in the ten-mile emergency
16 planning zone. Is that correct?

17 A (WITNESS CORMICAN) Yes.

18 Q And not the entire county?

19 A (WITNESS CORMICAN) Yes.

20 Q Now, with respect to those school districts
21 within Westchester County that are within the ten-mile
22 emergency planning zone, can you describe for us, if you
23 know, what procedures are used in sending those children
24 home under the circumstances of a snow day or something
25 like that?

1 A (WITNESS CORMICAN) I can only talk about
2 White Plains. I can't talk about upcounty policies. It
3 is entirely up to the local school board.

4 Q Now, does this -- is the policy that you refer
5 to in your testimony about calling parents before
6 children are sent home on buses also a White Plains
7 policy, as distinguished from a countywide policy?

8 A (WITNESS CORMICAN) I believe so, yes. We are
9 very careful about giving out parent numbers, home
10 telephone numbers, and it tends to be a very strict
11 policy in our school not to share the numbers, the
12 telephone numbers of children.

13 MR. BRANDENBURG: Mr. Chairman, I have no
14 further questions.

15 MR. CZAJA: I have a few questions.

16 BY MR. CZAJA:

17 Q First of all, Ms. Cormican, so we are clear,
18 White Plains is not in the ten-mile emergency planning
19 zone. Is that correct?

20 A (WITNESS CORMICAN) No.

21 Q But as I understand your direct testimony, you
22 did find problems with the proposal of the emergency
23 plan to evacuate children from schools in the emergency
24 planning zone to other schools, including schools in
25 White Plains?

1 A (WITNESS CORMICAN) That's right.

2 Q And now County Executive O'Rourke has proposed
3 certain modifications in that procedure to send children
4 to those schools within the ten-mile emergency planning
5 zone home?

6 A (WITNESS CORMICAN) That is right, and then
7 they would proceed to evacuation centers, and I would
8 imagine that White Plains would still be used. Ms.
9 Delinabeck told us at the meeting in February that our
10 schools would still be needed as a backup plan.

11 Q So you take issue with County Executive
12 O'Rourke's efforts to meet the objections to send -- to
13 evacuate the children separately as provided in the
14 original plan?

15 A (WITNESS CORMICAN) No, I think O'Rourke's
16 change is better for White Plains. I am not sure it is
17 better for the people upcounty, but as far as White
18 Plains is concerned, I think it is an improvemet.

19 MR. CZAJA: I have no further questions.

20 JUDGE GLEASON: Any redirect?

21 REDIRECT EXAMINATION

22 BY MS. POTTERFIELD:

23 Q I wanted to get clear, Ms. Cormican, at the
24 meeting in February, who was in attendance?

25 A (WITNESS CORMICAN) The superintendent of

1 schools, Jerry Marcus, had -- well, there is a lot of
2 background to it, if you will bear with me. Our school
3 district had a new superintendent who had no information
4 about the schools being used, and when we approached him
5 from the union and liaison about the use of the Ridgeway
6 School in particular, he told us that the information
7 was incorrect, and that only the high school was used,
8 which was one of the reasons I went to the White Plains
9 library and took the plan out and then showed him the
10 plan.

11 Up until that time, he had no knowledge, being
12 a new superintendent, and I don't know if the previous
13 superintendent had any knowledge that six other schools
14 besides the high school were being used, so then we
15 started -- our union started putting pressure on,
16 wanting to know what the responsibilities of the
17 teachers were, and what the responsibility of other
18 staff were, and from this, I have copies of the letters
19 that Dr. Marcus sent to the Red Cross.

20 They had -- the school district had a contract
21 for use of the high school with the Red Cross, but
22 trying to track down where these other six schools,
23 where the authorization for using the six schools had
24 been, and I am getting to the answer to your question
25 eventually, when I got -- one of the things that

1 happened was, our superintendent spoke directly to
2 County Executive O'Rourke as a consequence of the
3 correspondence that went on, and then Ms. Delinabeck
4 came to meet with him, and the superintendent invited me
5 to that meeting as an observer.

6 Q I guess that is what I didn't know, is who Ms.
7 Delinabeck is.

8 A (WITNESS CORMICAN) I believe I passed over
9 some letters where there is a copy to her. I believe she
10 works for the state government, but she is working out
11 of O'Rourke's office, and her title is on the bottom of
12 one of those letters that says "copy to."

13 Q It is your understanding that she is a state
14 employee?

15 A (WITNESS CORMICAN) I believe so, yes.

16 Q And not that she works for either the
17 utilities or the consultants for the utilities?

18 A (WITNESS CORMICAN) No.

19 Q So the meeting was held between you, the
20 superintendent, and Ms. Delinabeck?

21 A (WITNESS CORMICAN) And the superintendent's
22 assistant was there also, Mr. Yunofski.

23 Q And that was a result of pressure that the
24 teachers' union had placed on the superintendent to find
25 out more?

1 A (WITNESS CORMICAN) Yes, we were concerned
2 about what the responsibilities of the teachers were,
3 because in the plan itself it said that staff at the --
4 I can't remember it exactly. I have it underlined
5 here. But it was expected that staff would remain to
6 help. And we didn't know -- we didn't know if that
7 staff included teachers.

8 Q And is your testimony then the result of that
9 February meeting, or did it take place subsequent to
10 your February 11th testimony?

11 A (WITNESS CORMICAN) The meeting was after my
12 testimony was submitted to you, this testimony that is
13 here now.

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1 Q Was it at that meeting that you were informed
2 about the proposed O'Rourke, the new proposed O'Rourke
3 plan?

4 A (WITNESS CORMICAN) Yes, and I believe it was
5 the same morning that County Executive O'Rourke was
6 having his press conference announcing the change. I'm
7 not positive, but I believe it was.

8 JUDGE PARIS: While you're consulting, can I
9 ask a quick question. Did you find out at that meeting
10 who authorized the use of these six schools?

11 WITNESS CORMICAN: Well, nobody authorized
12 it. Well, I'm speculating. Nobody actually authorized
13 it. And Ms. Dellenbeck was asking the superintendent to
14 please -- and I don't want to be speculative. Ms.
15 Dellenbeck asked Dr. Marcus to reconsider his decision
16 not to allow the schools to be used, and he said that he
17 could not unless he was reassured that the school board
18 would not be held responsible in cases of liability.

19 BY MS. POTTERFIELD: (Resuming)

20 Q Is it your understanding, then now, Ms.
21 Cormican, that there still is no authorization for those
22 schools to be used?

23 A (WITNESS CORMICAN) I have heard nothing
24 further. It was left a little bit on the hanging side,
25 because Dr. Marcus was not that strong against the use

1 of the schools. His main concern was with insurances
2 and things of that sort.

3 Q And since the time of your February 11th
4 testimony, have you learned any additional information
5 about Red Cross contracts with the other schools?

6 A (WITNESS CORMICAN) No. The Red Cross wrote a
7 letter to Dr. Marcus. I believe you have a copy -- no,
8 I have the copy here -- telling them that they only --
9 they were only responsible for the congregate care
10 centers, that the consultant firm, that big long name,
11 they were the people who used the elementary school
12 buildings, the other six unauthorized buildings.

13 Q So that it is your understanding the Red Cross
14 will not be responsible for the reception centers, but
15 just for the congregate care centers?

16 A (WITNESS CORMICAN) That's right.

17 Q Now, isn't the person who was at the meeting
18 with you and your superintendent, could that be
19 Dellenback?

20 A (WITNESS CORMICAN) It could be, yes.

21 Q Now, I'm still not clear about your
22 understanding and the understanding of the teachers in
23 White Plains about what is to happen to the school
24 children in White Plains if an accident happens while
25 school is in session, for those schools that are going

1 to be used as reception centers, if any of them are.

2 A (WITNESS CORMICAN) When we asked Dr. Marcus,
3 he told us that the children would be sent home and in
4 that case we would have to use our emergency send home
5 procedure. The last time, such as a snow day, the last
6 time we used such a procedure was in 1973 and it has
7 never been duplicated since, because it was -- it caused
8 so much bedlam and chaos. We could not contact parents,
9 there were a number of children left at different
10 houses, and parents didn't know how to get in touch. It
11 was tremendous confusion and as a consequence it has
12 never been repeated.

13 Q And as I understand your testimony, you are
14 still confused about whether or not the teachers in your
15 association will have to -- are expected to perform
16 duties in the event of an accident at Indian Point?

17 A (WITNESS CORMICAN) Well, we know that we will
18 be responsible for our own students. We will be
19 responsible for contacting parents, for seeing that the
20 children get on the correct buses, for seeing that the
21 children are sent home. There is no doubt about that.

22 But we do not know what our responsibility
23 will be if children are sent to our schools or if
24 parents are sent to our schools. It seems that -- well,
25 my opinion is that a lot of things are based upon

1 assumption in the plan and nothing has really been
2 looked at and people have not been asked who are
3 expected to serve.

4 Q And you've heard nothing further since that
5 February meeting to enlighten you, is that right?

6 A (WITNESS CORMICAN) Not that I can recall.

7 MS. POTTERFIELD: I don't have any further
8 questions.

9 JUDGE GLEASON: Thank you, Ms. Cormican. We
10 appreciate your testimony.

11 (Witness excused.)

12 JUDGE GLEASON: Is your panel here now?

13 MS. POTTERFIELD: I believe so. Intervenors
14 call Susan Teasdale, Theodora Dyer, Nancy Sheer, and
15 Mary Bulleit.

16 Whereupon,

17 SUSAN TEASDALE

18 THEODORA DYER

19 NANCY SHEER

20 MARY BULLEIT,

21 called as a witness by counsel for Intervenor NYPIRG,
22 having first been duly sworn by the Chairman, was
23 examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. POTTERFIELD:

1 Q Mrs. Teasdale, would you state your name and
2 address for the record, please.

3 A (WITNESS TEASDALE) My name is Susan Teasdale
4 and my address has changed from that of the testimony.
5 I now live at 950 Palming Street in apartment 3, and
6 that is Peekskill.

7 Q Do you have before you the testimony that you
8 wish to submit to the Atomic Safety and Licensing
9 Board?

10 A (WITNESS TEASDALE) Yes, I do.

11 Q Do you have any additions or corrections to
12 the testimony?

13 A (WITNESS TEASDALE) I have two short
14 additions.

15 Q If you will direct us to the paragraph so that
16 we can follow along with you.

17 A (WITNESS TEASDALE) They are additions, they
18 are comments on items that have occurred since I have
19 submitted my testimony.

20 Q What are those items?

21 A (WITNESS TEASDALE) One is regarding the
22 evacuation plan, the addendum or the correction as it
23 is, as it were, to the evacuation plan. That now is to
24 send the children to their homes within the EPZ instead
25 of --

1 JUDGE GLEASON: Is this the so-called O'Rourke
2 plan?

3 WITNESS TEASDALE: Yes, it is regarding the
4 so-called O'Rourke plan.

5 JUDGE GLEASON: Mr. O'Rourke's going to be
6 here and there are going to be a lot of questions for
7 him about this plan.

8 (Laughter.)

9 BY MS. POTTERFIELD: (Resuming)

10 Q What is your additional testimony about the
11 so-called O'Rourke plan?

12 A (WITNESS TEASDALE) Okay. I object to that
13 addendum on the grounds that I may have difficulty
14 returning to that zone in an emergency, and that
15 therefore my child might be stranded there alone, since
16 no one but he and I live in our apartment.

17 The difficulties arise in, first of all,
18 notification since in Con Ed's publication, "Indian
19 Point Emergency Planning and You," it was suggested that
20 telephone use be avoided. And I don't understand how I
21 would be notified by either the school or by my son if I
22 am to instruct him not to use the phone.

23 In addition, the second problem would be the
24 time from the point of notification to my actually
25 getting back into the zone. I fail to see how -- I

1 think I might have difficulties getting back into the
2 zone. I think that in a real emergency people might be
3 barred from the zone.

4 And in addition, it takes me now on a good day
5 to get from my home to work near an hour, and that is a
6 30-mile drive. So I think in an emergency it would
7 probably take a little more than that, since the roads
8 would have more cars on them.

9 So with -- between notification and actual
10 travel time, I feel that he would be stranded there in
11 the apartment by himself.

12 JUDGE PARIS: Where do you work, Ms.
13 Teasdale?

14 WITNESS TEASDALE: I work at International
15 Business Corporation.

16 JUDGE PARIS: Which is located where?

17 WITNESS TEASDALE: At 1133 Westchester Avenue
18 in Harrison.

19 BY MS. POTTERFIELD: (Resuming)

20 Q Ms. Teasdale, will you tell the Board where
21 Harrison is located in relation to Pe^eskill, since they
22 are not from the area?

23 A (WITNESS TEASDALE) Well, how about in
24 relationship to here?

25 JUDGE GLEASON: We're pretty familiar with

1 this area, especially this building.

2 (Laughter.)

3 WITNESS TEASDALE: It is east of White Plains,
4 and it takes me -- it took me about ten minutes to get
5 from where I work to here tonight.

6 MS. POTTERFIELD: Would it be helpful if Ms.
7 Teasdale pointed that out on the map that we have?

8 JUDGE SHON: I don't think Harrison shows on
9 that map.

10 BY MS. POTTERFIELD: (Resuming)

11 Q With that additional testimony, Mrs. Teasdale,
12 is your question true and correct to the best of your
13 knowledge and belief?

14 A (WITNESS TEASDALE) Yes, it is.

15 MS. POTTERFIELD: I move the admission into
16 evidence of the testimony of Susan Teasdale as if read.

17 JUDGE GLEASON: Why don't we hold her
18 testimony and go on to Ms. Dyer.

19 BY MS. POTTERFIELD: (Resuming)

20 Q Mrs. Dyer, will you state your name and
21 address for the record.

22 A (WITNESS DYER) Yes. My name is Theodora Dyer
23 and I live at 5 Memory Lane, Croton-on-Hudson.

24 Q Do you have before you the testimony you wish
25 to submit to the Atomic Safety and Licensing Board?

1 A (WITNESS DYER) Yes, I do.

2 Q Do you have any additions or corrections to
3 that testimony?

4 A (WITNESS DYER) No, I don't.

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

7 A (WITNESS DYER) Yes.

8 MS. POTTERFIELD: I move the admission into
9 evidence of the testimony of Theodora Dyer as if read.

10 JUDGE GLEASON: All right. We will hold that
11 one, too. Do Mrs. Sheer.

12 BY MS. POTTERFIELD: (Resuming)

13 Q Mrs. Sheer, will you state your name and
14 address for the record.

15 A (WITNESS SHEER) My name is Nancy Sheer. I
16 live on Mount Airy Road in Croton-on-Hudson.

17 Q Do you have before you the testimony you wish
18 to submit before the Atomic Safety and Licensing Board?

19 A (WITNESS SHEER) Only minor changes. One,
20 that my daughter now attends the high school; and my son
21 now attends Peir Gynt Courtland Middle School. And I
22 would also like to comment, saying that I work
23 approximately five miles south of White Plains in
24 Eastchester, which puts me on a good day at about 45
25 minutes commute minimum.

1 If under the so-called O'Rourke plan my
2 children were sent home, I honestly wouldn't know what
3 would happen. I mean, they would be alone and I would
4 suspect in a serious emergency we would be barred from
5 the area. I know that is speculation, but plans are
6 speculation.

7 Q Mrs. Sheer, as I understand your additions,
8 then, you wish to add to the third sentence of your
9 testimony, "I teach handicapped children in Eastchester,
10 New York, a distance of 25 miles from my residence,
11 which is a 45-minute commute"; is that correct?

12 A (WITNESS SHEER) Yes.

13 Q And in the first numbered paragraph in your
14 testimony, that presently your daughter is attending
15 Croton-Harmon High School and you son is attending Pier
16 Gynt Courtland?

17 A (WITNESS SHEER) Yes.

18 Q And are there any other additions or
19 corrections you want to make?

20 A (WITNESS SHEER) No.

21 Q With those additions and corrections, is your
22 testimony true and correct to the best of your knowledge
23 and belief?

24 A (WITNESS SHEER) Yes.

25 MS. POTTERFIELD: I move the admission into

1 evidence of the testimony of Nancy Sheer as if read.

2 JUDGE GLEASON: All right. Let's hold that
3 and go to Ms. Bulleit.

4 BY MS. POTTERFIELD: (Resuming)

5 Q Mrs. Bulleit, would you state your name and
6 address for the record.

7 A (WITNESS BULLEIT) Mary Bulleit, and my
8 address is Briggs Lane, Croton-on-Hudson.

9 Q Can you see me now?

10 A (WITNESS BULLEIT) Yes.

11 Q Do you have before you the testimony that you
12 wish to submit to the Atomic Safety and Licensing
13 Board?

14 A (WITNESS BULLEIT) Yes, I do.

15 Q Do you have any additions or corrections to
16 your testimony?

17 A (WITNESS BULLEIT) Yes, I do. Since I have
18 written this, I have had another child, so I have a five
19 month old infant at home who is on a Healthdyne infant
20 apnea bradycardia monitor, who's not supposed to be
21 transported in a car unless the monitor is
22 battery-powered, which it is not. He is in the care of
23 a registered nurse, who sometimes has a car with her and
24 sometimes cannot have a car with her.

25 So there is every possibility that either of

1 my two children will be stranded in my house with a
2 nurse, with no way to get anywhere. My son cannot go on
3 a bus because the monitor won't function unless it is
4 plugged in. And if she did have her car my daughter
5 could probably watch it to make sure he was all right,
6 which she is literally not allowed to do. Her medical
7 insurance would not cover her putting my son in a car
8 under those conditions, because it is not medically
9 sound. So I don't know what she would do.

10 If she didn't have the car, she would have to
11 try to get both children on a bus, providing a bus
12 showed up, and she would have to try to manually monitor
13 him, I suppose, which isn't very safe. If she did have
14 a car she would have to rely upon the nine year old to
15 watch him while she was trying to drive out.

16 And there is a 50 percent chance she wouldn't
17 be able to get out anyway. I understand there is no
18 existing contract with the busing companies to bus out
19 people like my children and their nurse.

20 Q So you say in your testimony she; you're
21 referring to a registered nurse?

22 A (WITNESS BULLEIT) Yes, I'm referring to a
23 registered nurse. My son is in the care of the nurse.

24 Q With that additional information, is your
25 testimony true and correct to the best of your knowledge

1 and belief?

2 A (WITNESS BULLEIT) Yes.

3 MS. POTTERFIELD: I move the admission into
4 evidence of the testimony of Mary Bulleit as if read.

5 JUDGE GLEASON: All right. Is there objection
6 to the testimony of the four witnesses?

7 MR. FARRELLY: Yes, there are, Your Honor.
8 Con Edison has objected to the testimony of Ms. Teasdale
9 at page 13 of our motion, of Ms. Dyer at pages 13 and
10 14, of Ms. Sheer at pages 15 and 16, and of Ms. Bulleit
11 at pages 10 and 11.

12 MS. POTTERFIELD: Shall I address those
13 objections first, before hearing from the Power
14 Authority?

15 JUDGE GLEASON: Whichever way you prefer.

16 MS. POTTERFIELD: I suppose I prefer doing it
17 this way.

18 JUDGE GLEASON: all right.

19 MR. CZAJA: You don't want to hear from the
20 Power Authority?

21 JUDGE GLEASON: She says she would prefer to
22 address those objections first.

23 MS. POTTERFIELD: Taking the witnesses in
24 order, the motion to admit their testimony first. Con
25 Edison objects to the testimony of Susan Teasdale

1 because it is duplicative, and it does not allege
2 noncompliance with Nuclear Regulatory Commission and
3 FEMA guidelines, and does not offer any specific offsite
4 emergency procedures.

5 The Board has heard my argument about this
6 before. Mrs. Teasdale is testifying about her
7 anticipated reaction and her response in the event of an
8 accident at Indian Point, and that that makes her
9 testimony very material to the question of human
10 response in the event of an accident, as well as to the
11 contention regarding the difficulty of evacuating
12 children in the event of an accident.

13 Turning to Con Ed's objection to the testimony
14 of Theodora Dyer, Con Edison objects that Ms. Dyer's
15 testimony regarding the difficulty of reading the maps
16 does not allege a nonconformance of the maps with
17 NRC/FEMA guidelines.

18 It is our contention, obviously, that if the
19 maps are difficult to read then the public notification
20 is inadequate, since the public notification is intended
21 to notify the public. If the information is difficult
22 to understand, it doesn't notify the public adequately.

23 Con Ed goes on to object to Mrs. Dyers'
24 testimony about her anticipated response to an emergency
25 on the grounds that it is duplicative. We are

1 presenting these witnesses as a panel because they do
2 have some similar concerns about their response to an
3 accident, and so their testimony is no more duplicative
4 than the testimony of other witnesses who testify as a
5 panel.

6 Mrs. Sheer's testimony is objected to by Con
7 Edison because it doesn't allege noncompliance with
8 NRC/FEMA guidelines. This testimony, as all of our
9 testimony, gives facts to the Board which are designed
10 to inform the Board about problems with the emergency
11 plans which make those plans inadequate to ensure the
12 health and safety of the community. And since that is
13 the overriding requirement of the plans, it is our
14 contention that all of this testimony does indeed
15 address the adequacy of the plans in terms of NRC
16 guidelines.

17 Con Edison also goes on to object to the
18 testimony because the testimony about winding, narrow
19 and slippery roads is duplicative, as are comments about
20 the bus drivers and the failure of the sirens. It has
21 always been our position in these hearings that Parsons
22 Brinkerhof planners, and indeed the Board and indeed the
23 NRC, and particularly the Federal Emergency Management
24 Agency, should consider the individual road conditions
25 in this area; that their plans and their evacuation time

1 estimates are unrealistic because in fact they haven't
2 considered the particularly difficult roads around the
3 Indian Point area.

4 So we think this testimony is very important,
5 and particularly in terms of the individual roads, about
6 which the testimony -- which the testimony describes.

7 JUDGE GLEASON: Could we hear from the Power
8 Authority, please.

9 MR. CZAJA: Yes, Judge.

10 In the case of Ms. Teasdale, we object to the
11 sentence beginning about nine lines from the bottom of
12 her testimony: "I am sure that in an emergency of this
13 scale my sitter," et cetera. That sentence we believe
14 lacks foundation and is speculative.

15 Ms. Dyer I have no objection to -- oh, I'm
16 sorry. In Ms. Dyer's case, yes, I do have an
17 objection. The last page of her testimony, page 2, the
18 last sentence, the very last sentence, "and there are
19 thousands like me." That is either hearsay or
20 speculative.

21 Ms. Sheer. On page 2 of her testimony,
22 paragraph 5, the second sentence is speculative. The
23 sixth paragraph --

24 JUDGE GLEASON: The sentence beginning, "Have
25 you not considered"?

1 MR. CZAJA: Yes.

2 The sixth paragraph, paragraph 6, numbered 6,
3 is hearsay.

4 JUDGE GLEASON: About her children making
5 jokes?

6 MR. CZAJA: But not only her children, but
7 Croton children in general.

8 And paragraph 8 we don't feel is probative of
9 any issue before the Board.

10 JUDGE GLEASON: I can't hear you.

11 MR. CZAJA: On paragraph 8 we would object to
12 on relevance. It is not probative on any issue before
13 the Board, for the reasons the Board stated this
14 morning.

15 Ms. Bulleit: There is a sentence that begins
16 about 19 lines from the bottom of the page, "If my child
17 is in ballet school, I have been told by the teacher,"
18 and continuing on with the rest of that sentence we say
19 what she was told by the teacher, constitutes hearsay.

20 And skipping over the next sentence, the
21 portion of her testimony starting with "It is the
22 responsibility of Con Edison" through the remainder of
23 that paragraph we believe should be stricken. It lacks
24 foundation and is not relevant, and it is conclusory.

25 MS. POTTERFIELD: Have you finished, Mr.

1 Czaja?

2 MR. CZAJA: Yes, I have.

3 JUDGE GLEASON: Go ahead, Ms. Potterfield.

4 MS. POTTERFIELD: Judge, I won't address all
5 of the Power Authority's objections. I will say that,
6 with regard to the testimony of Mrs. Sheer about her
7 children's attitude toward the sirens, I suggest that
8 although that is hearsay that it has got a particular
9 indicia of reliability in that it is the child's mother
10 talking. But I don't have any comment to make about Ms.
11 Sheer's testimony about other Croton children.

12 With regard to the objection of the Power
13 Authority to Ms. Bulleit's testimony that it is the
14 responsibility of Con Edison and they have not dealt
15 with it successfully, I strongly question their right to
16 jeopardize so many lives in the first place, let alone
17 be so cavalier about what they will do if something goes
18 wrong. That testimony is not irrelevant. It is very
19 relevant to contention 3.4, which has to do with the
20 reliability of the Licensees to notify the public and to
21 carry out their responsibilities in the event of an
22 accident.

23 JUDGE GLEASON: Is that it, Ms. Potterfield?

24 MS. POTTERFIELD: Yes, thank you, Judge.

25 (Board conferring.)

1 JUDGE GLEASON: We find ourselves with a
2 situation here which we are not certain we can apply to
3 the testimony, Ms. Potterfield, but you're going to have
4 to bear with us. With think that the testimony of the
5 four witnesses is really generally very immaterial and
6 should be excluded.

7 We are willing to receive testimony from the
8 witnesses, if it is there, and it is there in a couple
9 of cases, talking about their receipt or lack of receipt
10 of the information pamphlet, and also their not being
11 able to hear the sirens when those sirens were tested or
12 blown on occasions.

13 But other than those two factual areas, the
14 rest of the statements have to be excluded and the
15 motions of the Licensees will be granted to that
16 extent.

17 MS. POTTERFIELD: I need to know the basis for
18 granting the motions.

19 JUDGE GLEASON: I've already told you the
20 basis for it. It is immaterial. It is not of
21 sufficient probative value that it should be in this
22 record, and that is the basis for it.

23 MS. POTTERFIELD: Yes, sir, and that goes to
24 the testimony of parents who indicate that their
25 particular situations about them and their children are

1 not addressed adequately in the emergency plans?

2 JUDGE GLEASON: Yes, it goes to them as far as
3 they are representing four single parents in the EPZ.

4 MS. POTTERFIELD: And it also goes to these
5 witnesses' descriptions of the roads which they have to
6 drive every day and which are evacuation routes in the
7 plan?

8 JUDGE GLEASON: Yes.

9 MS. POTTERFIELD: And the basis for your
10 excluding this testimony is on the ground that the
11 testimony is not material to the issues or to the
12 Commission questions?

13 JUDGE GLEASON: That's right, that is
14 correct.

15 If you would prefer, in light of that ruling,
16 to have these individuals read their statements into the
17 record as limited appearances, we would grant that time
18 at this time. But that is up to you as to how you want
19 to proceed.

20 MS. POTTERFIELD: I request permission for a
21 recess so I can discuss this with the other
22 intervenors.

23 JUDGE GLEASON: All right. We will take a
24 five-minute recess.

25 (Recess.)

1 JUDGE GLEASON: Ms. Potterfield, could I
2 suggest you proceed with your next witnesses and have
3 these witnesses step aside?

4 MS. POTTERFIELD: If you could just give me
5 one more minute, Judge Gleason.

6 JUDGE GLEASON: All right.

7 (Pause.)

8 MS. POTTERFIELD: Judge Gleason, perhaps I had
9 better let the other Intervenor groups speak for
10 themselves. We can't seem to reach an agreement among
11 ourselves on this.

12 JUDGE GLEASON: Well, there isn't anything to
13 be said. The only question is whether the witnesses
14 will be given an opportunity to read their testimony as
15 limited appearances or if they wanted to have the
16 statements relating to those factual areas in the
17 record.

18 MS. POTTERFIELD: I think we understand the
19 issues, Judge.

20 JUDGE GLEASON: What I suggest is that we have
21 the witnesses step aside and go on with your next
22 witness, so at least we can conclude the rest of the
23 schedule, and then we can come back to it.

24 MS. POTTERFIELD: Yes, sir, Judge. But that
25 is part of the issue, is whether or not we go on with

1 our next witness, since the Board's ruling undermines,
2 as I said yesterday, the basic purpose for the
3 participation in these hearings by the Intervenors. And
4 the question that is being debated now is not whether or
5 not to let these parents read their statements into the
6 record, but whether or not there is any point for their
7 participation.

8 JUDGE GLEASON: Are the rest of the witnesses
9 that we have here sponsored by Parents?

10 MS. RODRIGUEZ: Yes.

11 JUDGE GLEASON: The rest of the witnesses for
12 tonight?

13 MS. RODRIGUEZ: Yes.

14 MR. BRANDENBURG: Mr. Chairman, there's no
15 motion pending against the next witness.

16 JUDGE GLEASON: I understand that, but they
17 are discussing a different part of this problem.

18 (Pause.)

19 JUDGE GLEASON: Ms. Potterfield, the next two
20 witnesses, according to our records, are sponsored by
21 WBCA and not Parents, and therefore I think we ought to
22 proceed with them, unless the Parents have something to
23 do with the testimony of those witnesses.

24 MS. RODRIGUEZ: Your Honor, the reason for all
25 of our discussion over here is that we are really quite

1 stymied by your decision, by the Board's decision, not
2 to accept the testimony of these four witnesses. For
3 over a year and a half now, Parents Concerned About
4 Indian Point has been involved in these hearings. We
5 are a group of non-lawyers, people who have never
6 participated in hearings before, but were moved to
7 become Intervenors by our feelings of conscience and our
8 concerns and the concerns that we felt voiced by our
9 neighbors and members of our community.

10 Knowing that we were not scientists or people
11 trained to present a very technical case, but whose
12 expertise lies in the area of raising children, of
13 living with people, of being familiar with our
14 community, the roads, et cetera, schools, the senior
15 citizens center and what-not, we felt that we could help
16 the NRC answer its questions by presenting the very
17 people who we knew -- and I don't mean "know" in the
18 sense that you know people as very close friends, but
19 who we knew existed in the area, by trying to contact
20 them, who would be willing to come before this Board and
21 help answer the questions and help the NRC fulfil its
22 own regulations.

23 We are very upset, because we really don't
24 know where to go from here, quite frankly. We feel that
25 this testimony is vital, because, as I said, we are not

1 experts as such, as scientists or lawyers or
2 psychiatrists, but we know our own situations.

3 We are not trying to be snide by presenting
4 people to talk about their streets or their children or
5 their neighbors. We are actually being very sincere.

6 I think also that our participation in these
7 hearings has even helped the situation to some extent.
8 It has been difficult, not only because it is quite an
9 emotional issue within the EPZ, but because when we
10 began most of us did not even know what the word
11 contention meant. We didn't know what an Intervenor
12 was, we didn't know what discovery was. We did not know
13 what was involved in gathering testimony.

14 We really did it by feel and learnt as we went
15 along, and we feel as if we are between the devil and
16 the deep blue sea right now, with our four people and
17 with the rest of the case.

18 I speak for parents. I don't speak for the
19 rest of the Intervenors. And that is why we have not
20 told you what we intend to do. That is why we have not
21 told Ms. Potterfield what to do about these four women
22 right now. And I don't know if we can come to a
23 decision tonight.

24 JUDGE GLEASON: Well, Ms. Rodriguez, I really
25 don't know precisely how to respond to you. Sometimes I

1 am sure this Board appears, certainly the Chairman
2 appears, as a rather unfeeling individual who just waves
3 some kind of a scythe up here, making rulings that are
4 cavalier and non-emotional and non-objective, designed
5 to accomplish some strange objective that isn't within
6 your particular knowledge or those of your associates.

7 And all I can say is that any such impression
8 is unfortunately -- it is unfortunate that it is there,
9 but it is, unfortunately, it is not true. Our
10 responsibility is to consider relevant and probative
11 evidence at a hearing, at an adjudicatory hearing.

12 As I indicated this morning -- I presume you
13 were here at the outset, but perhaps you weren't -- it
14 is not that we as a Board do not consider the testimony,
15 the feelings of these people, important as individuals.
16 It is just that they cannot be construed and would not
17 be construed in any licensing case that I know of of the
18 Nuclear Regulatory Commission as probative, because all
19 they do in essence, in that view, is represent their own
20 particular judgment as four individuals, and they do not
21 in that sense represent a significant body of opinion
22 which then becomes a probative matter in these hearings
23 if it were presented that way.

24 Now, what we have attempted to do -- and let
25 me say, let me hasten to say, that I think that your

1 presence in these hearings has been helpful, I agree
2 with you. And I think in that sense it would be
3 unfortunate if you would disappear.

4 That is a decision, of course, that you would
5 have, you and your associates, would have to make. But
6 I want to assure you that we approach the
7 responsibilities that we have in a very, very serious
8 manner. There is no one, none of the three of us, that
9 have any predilection towards recommendations that we
10 are going to make, and we depend on probative testimony
11 and the record, filling out the record in a responsive
12 way to make those recommendations, and that is all we
13 can do.

14 If you have traveled, as apparently you have,
15 on a course that was different than that in bringing
16 people here to give testimony, and then finding that
17 their testimony is not being received, I certainly can
18 understand your feeling of disappointment. But I think
19 you have had access to the advice of an attorney. You
20 have had an opportunity to associate with other
21 representatives who are members of the bar, and they
22 certainly have the ability to advise you and should have
23 advised you, if you had asked for their assistance, as
24 to whether testimony is going to be considered or might
25 not be considered as probative and material.

1 So I don't know where this leaves us. I just
2 think that all I can say is I understand what you are
3 saying. I hope that you would understand what I'm
4 saying. And I'm sorry that those things don't
5 necessarily meet.

6 What we will do is to ask the witnesses to
7 step aside, and you can then -- Ms. Holt, do you want to
8 say something?

9 MS. HOLT: Yes, I would like to.

10 I am trying to understand a piece of logic
11 here. I think that when you make your recommendations
12 to the Commission about the workability of the emergency
13 plans, my understanding is that you will -- your views
14 at that time will be based on the testimony you've
15 heard.

16 JUDGE GLEASON: Yes. Let's get back to the
17 workability, because that is not a word that I would
18 necessarily concur in.

19 MS. HOLT: However you frame your
20 recommendations about the emergency plans and their
21 compliance with the regulations --

22 JUDGE GLEASON: We would have to frame them in
23 the terms in which the Commission has asked us.

24 MS. HOLT: If we were to hypothesize for a
25 moment that the evacuation time estimates would not be

1 accurate because of the failure of parents to follow
2 either the O'Rourke plan or, in the case of a
3 fast-moving accident, the alternative plan, which was
4 the original plan, what I would like some clarification
5 on is, how would you get that information?

6 How can the Parents, who by the way represent
7 a mailing list of 700, how could they present evidence
8 to you that would tell you that the evacuation times
9 would not work because of all of these strong feelings
10 about parents -- are you telling them that the only way
11 that they could present that information to you would
12 have been to have somehow performed a study or hired
13 somebody to perform a study?

14 Are you also saying to them that you refuse to
15 accept the notion that even if the small representative
16 sample of parents feels the way that parents that have
17 testified or would like to testify feel, that that won't
18 have an effect on the plan?

19 I mean, I just don't understand.

20 JUDGE GLEASON: Ms. Holt, I think we're
21 getting off on a plane with our discussion here which I
22 would prefer not to get onto, because I am not really
23 going to get into an argumentative format with you and
24 discussion with you.

25 MS. HOLT: Put I think that is why there is

1 trouble deciding what to do.

2 JUDGE GLEASON: Well, I tried to explain to
3 the best of my ability what our objective is and what we
4 had hoped to get, and what kind of evidence would be
5 helpful. Really, you are the people, or part of the
6 people, that in effect stimulated this whole process
7 that we are engaged in right now.

8 I am sure that if one listened to the
9 licensees one would have to conclude that they would say
10 that they are sorry this thing ever happened, they would
11 rather it never happened. But they are here and they
12 are forced to present certain information in certain
13 testimony because the Commission has directed that this
14 thing be looked at.

15 Now, it is our job to evaluate the evidence
16 put before us by the parties. As one of those parties,
17 it is your job to put together evidence that is
18 probative and that is material and that is meaningful in
19 the sense that it really, in your terms, represents the
20 parents, if you will, of the particular communities
21 you're talking about.

22 That is not carried out by just four or five
23 or six or seven or eight parents coming here and saying,
24 we don't like the plan, it is not workable, the streets
25 are congested, all of those kinds of things. It is just

1 not.

2 We have had testimony here about the
3 workability of the evacuation plan. Yesterday we had
4 testimony that was very valuable. Now, whether it's
5 going to be that valuable that it's going to make us
6 recommend something, I'm not in a position to say now,
7 because we have to wait until all the testimony is in
8 and evaluate it.

9 But really, I think this is as far as I can go
10 in discussing this thing on the record with you, and I
11 really --

12 MS. HOLT: I won't argue. I would just like
13 to make one last comment and then I will shut up.

14 JUDGE GLEASON: All right, go ahead.

15 MS. HOLT: You are supposed to be conducting
16 an investigation and I would propose to you that if you
17 will not accept the testimony given to you in this
18 fashion by the parents group that I think that you
19 should figure out some other way to investigate how
20 parents will respond, and therefore whether the
21 evacuation time estimates are correct.

22 Maybe you should suggest that the Staff should
23 commission a study of the parents of the four-mile
24 zone. But if the way the parents have found to give you
25 the testimony is not acceptable, you nevertheless have

1 the responsibility to know how parents will respond, and
2 I guess you will have to find another way to investigate
3 it.

4 JUDGE GLEASON: Well, that is always a
5 possibility, Ms. Holt. And as we review the testimony
6 and as we weigh it in effect to see the adequacy of the
7 record, we will have to make a determination as to
8 whether that record is adequate enough for us to make
9 recommendations or whether we would make recommendations
10 with an inadequate record, or whether we should do
11 something about making the record more adequate.

12 But we certainly can't do that tonight.

13 JUDGE PARIS: Lest this discussion in the
14 record make it appear that all Parents' or even most of
15 Parents' witnesses' testimony has been struck, I would
16 like to simply observe that Parents had a number of
17 witnesses earlier today whose testimony was allowed in
18 and was considered probative by the Board. So you are
19 not batting zero by any means.

20 JUDGE GLEASON: I think that we ought to, if
21 you cannot make up your mind what you want to do with
22 respect to these witnesses, have them step aside and we
23 can go on with the remaining witnesses, and then you can
24 advise us, Ms. Rodriguez, what you would like to do with
25 respect to them. Is that all right?

1 MS. RODRIGUEZ: Yes.

2 JUDGE GLEASON: Thank you, ladies.

3 (Witnesses excused.)

4 JUDGE GLEASON: Ms. Potterfield?

5 MS. POTTERFIELD: I believe the next witness
6 is Chief Shnakenberg. I've had a message from Ms.
7 Fleisher telling me that Chief Shnakenberg won't be able
8 to appear.

9 (Pause.)

10 MS. POTTERFIELD: We would call Marie Tompkins
11 to the stand.

12 (Witness sworn.)

13 Whereupon,

14 MARIE TOMPKINS,
15 called as a witness by counsel for Intervenor NYPIRG,
16 having first been duly sworn by the Chairman, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. POTTERFIELD:

20 Q Would you state your name and address for the
21 record.

22 A (WITNESS TOMPKINS) Yes. Marie Tompkins,
23 Rosetown Road, Tompkins Cove, New York.

24 Q Do you have before you, Ms. Tompkins, a copy
25 of the testimony you wish to present before the Atomic

1 Safety and Licensing Board?

2 A (WITNESS TOMPKINS) Yes, I do.

3 Q Do you have any additions or corrections to
4 that testimony?

5 A (WITNESS TOMPKINS) Merely that after this
6 letter was written, a month ago there was the big
7 blizzard of the year and I have some more horror
8 statistics of the moveability or the impassibility of
9 our roads in snowstorms.

10 Q And do you have any other addition to make to
11 your testimony?

12 A (WITNESS TOMPKINS) Well, just those. To
13 include an area very close to these roads where 100
14 families live around a lake with one access and exit the
15 same gate, that was absolutely impassable and the
16 abandoned cars on these roads, as well as 200 abandoned
17 cars on Palisades Parkway very close by.

18 This of course necessitated the closing of the
19 Palisades.

20 Q With that additional testimony, is your
21 testimony true and correct to the best of your knowledge
22 and belief?

23 A (WITNESS TOMPKINS) Yes.

24 MS. POTTERFIELD: I move the admission into
25 evidence of the testimony of Marie Tompkins as if read.

1 JUDGE GLEASON: Is there objection?

2 (No response.)

3 JUDGE GLEASON: Hearing none, the testimony
4 will be received into evidence and bound into the record
5 as if read.

6 (The document referred to, the prepared
7 testimony of Ms. Tompkins, received in evidence,
8 follows:)

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Marie R. Tomkins
Rosetown Road
Tomkins Cove, N.Y.

I live in Tomkins Cove where I have a very good view of the malignancy structured directly across the river at Indian Point. Our area is almost a museum of American Revolutionary history, by the way, and I wonder: -- How would the colonial patriots who lived here and went to war against a kingdom threatening their rights view today's residents who meekly tolerate a utility "kingdom" which threatens their lives, and furthermore makes them pay for this outrage? With pity and contempt, I should imagine.

It is preposterous to intelligently consider the possibility of a successful exodus of the menaced areas of Rockland County if an accident occurs at Indian Point. If it should happen during a blizzard such as last January's, or even during an ordinary winter snowstorm, evacuation from most of Tomkins Cove, for example, would be literally impossible. Rosetown Road, where I live, is a narrow, twisting hilly country road, and at its widest point of 17 ft. two cars cannot pass around a curve unless one backs into a driveway to allow room for the other. Buckberg Mountain Road, also steep and curving, has an elevation of 1000 ft., and Lavender Lane is even higher and much narrower. My own driveway is 500 ft. long and almost straight up, and there are other places along Rosetown Road with even more unmanageable approaches. THESE ROADS AND DRIVEWAYS MUST BE PLOWED AND SANDED before any automobile could begin to move. If people panicked and attempted futilely to escape, it is not difficult to project the resulting chaos and icy wreckages.

1 MS. POTTERFIELD: The witness is available for
2 cross-examination.

3 MR. CZAJA: I have no questions, Judge.

4 CROSS-EXAMINATION ON BEHALF
5 OF LICENSEE CONSOLIDATED EDISON
6 BY MR. BRANDENBURG:

7 Q Mrs. Tompkins, I believe you were sitting in
8 the room earlier when Mrs. Cormican testified that she
9 went to the White Plains Public Library and reviewed the
10 Indian Point radiological emergency preparedness plan,
11 which is a document of some thickness in terms of the
12 thickness of the volumes and so forth, the multi-volume
13 plan.

14 Have you -- and I'm distinguishing now between
15 the plan on the one hand and the pamphlet on the other.
16 Have you reviewed the plan for the Indian Point site?

17 A (WITNESS TOMPKINS) No. Earlier I just saw
18 the small pamphlet.

19 Q Now, are you aware that in connection with the
20 Indian Point radiological emergency response plan that
21 estimates were made of the amount of time that would be
22 required for various residents, all of the residents
23 within the ten-mile emergency planning zone around the
24 plant, which would include the Rockland County area that
25 you are most familiar with, as to how long it would take

1 for those persons to evacuate from the ten-mile zone?

2 A (WITNESS TOMPKINS) Are we talking about fair
3 weather or winter blizzards?

4 Q Well, actually the estimates included both,
5 but my initial question was --

6 A (WITNESS TOMPKINS) An average, or blizzard,
7 or the fair day, because it would be a tremendous
8 difference with our records.

9 Q I guess my question is whether you have any
10 awareness that the planning process for the Indian Point
11 site included as part of it estimates that were prepared
12 by a professional organization as to the length of time
13 that would be required for people to move from the zone
14 to outside the zone.

15 A (WITNESS TOMPKINS) No, I haven't read that.
16 Is that what you're asking me, if I've read it?

17 Q Well, actually I have moved away from whether
18 you have actually read that portion of the plan. I'm
19 just asking whether you have any general awareness from
20 conversations with others, from government officials or
21 from any source, as to whether or not the plan has
22 provisions in it for estimating the amount of time that
23 it would take people to evacuate the area.

24 A (WITNESS TOMPKINS) No. The people in a
25 position to be familiar with traffic control and road

1 conditions that I have talked to talk about equipment,
2 plowing and sanding and the time necessary for all of
3 this before your evacuation could begin. I don't know
4 if that was included in your Indian Point figures.

5 Q Well, actually my question relates to the
6 estimates made of the time it would take, the number of
7 hours it would take to move from a point in the zone to
8 a distance outside the zone.

9 A (WITNESS TOMPKINS) The entire population?

10 Q Yes. Are you aware that such estimates were
11 made in connection with the planning process?

12 A (WITNESS TOMPKINS) Yes, I believe I have
13 heard that it has been done, but I don't know what they
14 are, no.

15 Q Now, do you have any understanding as to
16 whether or not the estimates that were made modeled the
17 roadway system within the area, including the area
18 you're most familiar with in Rockland County, on an
19 as-is basis? By that I mean that the estimates included
20 the winding roads and the narrow roads, and so forth and
21 so on.

22 Are you aware that those were considered in
23 connection with preparing the estimates for the amount
24 of time that would be required to evacuate the zone?

25 A (WITNESS TOMPKINS) I should they must have
been

1 if they included blocked roads.

2 MR. BRANDENBURG: I have no further questions,
3 Mr. Chairman.

4 JUDGE GLEASON: Any redirect?

5 MS. POTTERFIELD: No redirect, Your Honor.

6 JUDGE GLEASON: Thank you, Mrs. Tompkins. We
7 appreciate your testimony.

8 (Witness excused.)

9 MS. POTTERFIELD: The Intervenors call Cleland
10 Conklin.

11 JUDGE GLEASON: Is this a change, Ms.
12 Potterfield?

13 MS. POTTERFIELD: On the schedule that is
14 dated March 14th, Judge Gleason, Mr. Conklin was
15 originally typed in under "Thursday", but there was a
16 note saying that he would appear on Wednesday evening.
17 Is that on your copy?

18 JUDGE GLEASON: Yes, go ahead.

19 JUDGE PARIS: What is the number of his
20 testimony?

21 MS. POTTERFIELD: That's number 98.

22 MR. CZAJA: That's not on my schedule.

23 MR. BRANDENBURG: That's not on my schedule.

24 JUDGE GLEASON: There is a note on the
25 schedule.

1 JUDGE SHON: There was a handwritten note on
2 my schedule.

3 MR. CZAJA: It's not on mine.

4 MR. BRANDENBURG: It's not on mine, Mr.
5 Chairman.

6 MR. HASSELL: The Staff does have it on its
7 copy.

8 JUDGE GLEASON: You do not have a schedule on
9 yours that says under 98, under "Thursday, March 17th"
10 --

11 (Bench conference.)

12 JUDGE GLEASON: Why don't you take a look at
13 the testimony and see if it's going to present any
14 problem to you.

15 MR. KAPLAN: I see that Con Edison has made an
16 objection to the testimony, so I assume that they are
17 ready for it. Their objection appears on page 16.

18 JUDGE GLEASON: It is just a question of when
19 they are ready. Let's give them a few minutes and take
20 a look, because it is very short testimony and I don't
21 see why they can't read that in two minutes.

22 They have shown me their copy, Ms.
23 Potterfield, of their March 14th communication from you
24 and it does not have that notice on it which is
25 indicated on the Board's copy.

1 MS. POTTERFIELD: Yes, and I believe that I
2 apologize for what must have been a clerical error.

3 MR. CZAJA: It is just this one page of
4 testimony?

5 MS. POTTERFIELD: That's all.

6 (Pause.)

7 MR. CZAJA: It's fine with me.

8 MR. BRANDENBURG: It's fine with me also.

9 JUDGE GLEASON: Would you take the stand, Mr.
10 Conklin, please.

11 (Witness sworn.)

12 Whereupon,

13 CLELAND S. CONKLIN,
14 called as a witness by counsel for Intervenor NYPIRG,
15 having first been duly sworn by the Chairman, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. POTTERFIELD:

19 Q Mr. Conklin, would you state your name and
20 address for the record.

21 A (WITNESS CONKLIN) Cleland S. Conklin, 657
22 Gilbert Avenue, Pearl River, New York.

23 Q Do you have before you or in your coat pocket
24 a copy of the testimony you wish to submit before the
25 Atomic Safety and Licensing Board?

1 A (WITNESS CONKLIN) Yes, I do.

2 Q Do you have any additions or corrects to that
3 testimony?

4 A (WITNESS CONKLIN) No, I do not.

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

7 A (WITNESS CONKLIN) To the best of my knowledge
8 it is true and correct.

9 MS. POTTERFIELD: I move the admission into
10 evidence of the testimony of Cleland Conklin as if
11 read.

12 JUDGE GLEASON: Is there objection?

13 MR. BRANDENBURG: Con Edison did object, Mr.
14 Chairman, on page 16 of our motion, and the basis was
15 the lack of a reference to noncompliance with NRC
16 regulations.

17 The testimony states it relates to contentions
18 3.1 and 3.2.

19 MS. POTTERFIELD: Judge Gleason, the testimony
20 concerns the inability of the witness to hear a siren.
21 It concerns the witness' opinion about his response in
22 an emergency. He testifies about his experience as a
23 former volunteer fireman.

24 And I submit that it is relevant to
25 contentions 3.1 and 3.2.

1 JUDGE GLEASON: The Board will allow the
2 testimony to come in.

3 (The document referred to, the prepared
4 testimony of Mr. Conklin, received in evidence, follows:)

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1 JUDGE GLEASON: Cross-examination?

2 MR. CZAJA: I have no questions.

3 MR. BRANDENBURG: Con Edison has no questions,
4 Mr. Chairman.

5 JUDGE GLEASON: You have no questions?

6 MR. BRANDENBURG: No.

7 (Board conferring.)

8 JUDGE GLEASON: Any redirect?

9 MS. POTTERFIELD: I do have some actually,
10 Judge Gleason. Will I be permitted to?

11 MR. CZAJA: Judge, there was no cross. With
12 all respect, there was no cross.

13 JUDGE GLEASON: Well, I guess you can't do any
14 redirect on that basis.

15 We appreciate your testimony. Thank you very
16 much.

17 (Witness excused.)

18 JUDGE GLEASON: I might say, and I should say,
19 I think, that I moved a little fast without consulting
20 with my colleagues. There was concern that some of his
21 statements were very much of the hearsay category, and
22 that following a consistent pattern they would have been
23 excluded from the record.

24 I felt that at least he did represent in his
25 position some different responsibilities, on which he

1 could talk about sirens and about moving people, and it
2 was on that basis that we decided to let it in for
3 whatever it was worth.

4 MS. POTTERFIELD: Is Amy Kriveloff in the
5 audience?

6 (No response.)

7 MS. POTTERFIELD: Your Honor, it appears that
8 Ms. Kriveloff, our last scheduled witness for this
9 evening, is not present. There is another witness in
10 the audience, however, who was scheduled for the last
11 part of Tuesday, March 22nd, which is our last morning.
12 And although I realize it is an inconvenience, I would
13 request permission to call No. 85, Raymond Bowles, to
14 the stand since he is here, so that we can have his
15 testimony.

16 JUDGE GLEASON: Ms. Potterfield, what about
17 Bela and Inga Cseh?

18 MS. POTTERFIELD: They were scheduled to
19 present a limited appearance statement.

20 JUDGE GLEASON: I see. Are they here?

21 MS. POTTERFIELD: Apparently not.

22 JUDGE GLEASON: Would you call your other
23 witness, then.

24 MS. POTTERFIELD: Mr. Raymond Bowles.

25 (Pause.)

1 JUDGE GLEASON: I should ask if that is
2 acceptable to the Licensees. It is only three pages.
3 Why don't you take a few minutes.

4 JUDGE SHON: Ms. Potterfield, do you intend
5 ultimately to present Ms. Kriveloff's testimony?

6 MS. POTTERFIELD: Juige Shon, I have not
7 received any message about why Ms. Kriveloff is not here
8 and I can't represent to the Board whether or not she
9 will appear.

10 I appreciate the Board's earlier offer that if
11 we had additional time we might be able to take others
12 out of order. I just simply don't know why she is not
13 here.

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1 JUDGE SHON: Thank you.

2 (Pause.)

3 MR. CZAJA: Judge, I have read the testimony.

4 As far as I am concerned, the witness can take the stand
5 and we do have a motion to strike portions of his
6 testimony.

7 JUDGE GLEASON: We will swear him in first.

8 Whereupon,

9 RAYMOND BOWLES

10 was called as a witness by counsel for NYPIRG and,
11 having been duly sworn by the Chairman, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. POTTERFIELD:

15 Q Would you state your name and address for the
16 record?

17 A (WITNESS BOWLES) My name is Raymond Bowles.
18 I live at 8 Stillman Lane, Pocantico Hills, New York.

19 Q Mr. Bowles, do you have before you the
20 testimony that you wish to present before the Atomic
21 Safety and Licensing Board.

22 A (WITNESS BOWLES) Yes, I do.

23 Q Do you have any additions or corrections to
24 that testimony?

25 A (WITNESS BOWLES) Only that in the interim

1 time since I wrote this, when I refer to the lack of
2 information given to the personnel at the school at
3 which I am employed and which my attend, to this date
4 still no information has ever been received by any
5 member of the staff.

6 Q And that is the staff at the --

7 A (WITNESS BOWLES) Pocantico Hills Central
8 School.

9 Q Any other additions or corrections?

10 A (WITNESS BOWLES) No, that's it.

11 Q With that addition, is your testimony true and
12 correct to the best of your information and belief?

13 A (WITNESS BOWLES) Yes, it is.

14 MS. POTTERFIELD: I move the admission into
15 evidence of the testimony of Raymond Bowles as if read.

16 JUDGE GLEASON: Is there objection?

17 MR. BRANDENBURG: Mr. Chairman, Con Edison
18 objected to one passage and I believe Mr. Czaja has
19 objected to some additional ones.

20 JUDGE GLEASON: Do you want to go first?

21 MR. BRANDENBURG: I just might mention the
22 particular passage we objected to starts four lines up
23 from the bottom of page two and continues on to the end
24 of that paragraph on page three. The entire passage
25 relates to real estate values and our motion

1 respectfully submits to the Board that that is not an
2 issue that is within the scope of this proceeding.

3 MS. POTTERFIELD: May I be heard, Judge
4 Gleason?

5 JUDGE GLEASON: Yes, go ahead, Miss
6 Potterfield.

7 MS. POTTERFIELD: It is true, concededly, that
8 this witness' testimony overlaps Questions 3 and 4 with
9 Question 6, relating to economic consequences. We would
10 ask that his testimony be heard now subject to further
11 connection up when the other Question 5 testimony is
12 presented.

13 MR. BRANDENBURG: If I can respond, that is in
14 their argument. I think, Mr. Chairman --

15 JUDGE GLEASON: It's nice to have a new
16 argument at this time of night, I will tell you that.

17 (Laughter)

18 MR. BRANDENBURG: Question 5 inquires what are
19 the costs of shutting down the unit. If we were to
20 accept for the moment this witness' premise as accurate,
21 he has addressed the cost of not shutting down the unit
22 -- that is to say, permitting the unit to keep running.
23 So it is clearly not within the scope of Question 6
24 either.

25 JUDGE GLEASON: Presumably it would have an

1 impact on values, but let's not argue that far.

2 Mr. Czaja, what's your objection?

3 MR. CZAJA: My first objection would start on
4 the first page, the second full paragraph, the fourth
5 line, the sentence that begins "Living just one-eighth
6 of a mile" and continuing through the first line of the
7 second page, "influence the evacuation."

8 Our grounds for that is that that portion of
9 the testimony consists of Mr. Bowles feelings and
10 attitudes on the ten-mile EPZ, which is not relative or
11 probative of any issue before the Board.

12 Picking up, we continue to object to the
13 second page, starting on the first line, "as someone".

14 JUDGE GLEASON: Excuse me. Where are you?

15 MR. CZAJA: The second page of the testimony.

16 JUDGE GLEASON: Yes, you are continuing.

17 MR. CZAJA: I am continuing to object on a
18 different ground, though, starting with "as someone" and
19 continuing to about seven lines up from the bottom of
20 the next paragraph, through "were evacuated." That I
21 would object to on the grounds that it is hearsay,
22 speculative and conclusory.

23 That next sentence, I have no objection to
24 "Lastly, there are a number of children." That sentence
25 I don't object to. That is within his scope of proper

1 testimony.

2 But then picking up with the sentence after
3 that, I would object to the remainder of the paragraph
4 starting with "again, no accounting" on the grounds of
5 hearsay.

6 JUDGE GLEASON: Excuse me. Where are you
7 starting -- the last paragraph? Oh, I see it.

8 MR. CZAJA: "Again, no accounting" and
9 continuing.

10 JUDGE GLEASON: Okay.

11 MR. CZAJA: And then picking up with the next
12 paragraph I would object to the remainder of the
13 testimony.

14 JUDGE GLEASON: What is the basis for your
15 objection on the sentence beginning with "Again, no
16 accounting has been made"?

17 MR. CZAJA: On the basis of the testimony, as
18 presented to us, Judge. It is without foundation and it
19 is hearsay. I don't know the sources of this witness's
20 conclusions.

21 JUDGE GLEASON: Okay. I just wanted to find
22 out.

23 MR. CZAJA: And then the real estate broker
24 material starting on the last paragraph on the second
25 page through the remainder of the testimony. I would

1 object on Mr. Brandenburg's ground and also on the
2 ground that it is also hearsay.

3 JUDGE GLEASON: All right. Miss Potterfield?

4 MS. POTTERFIELD: Picking up with the Power
5 Authority's objection to most of the second paragraph on
6 page one, I submit that the sentence beginning, the
7 portion of the testimony beginning with the sentence
8 five lines from the bottom, "I have never received any
9 instructions or information from Westchester County or
10 any governmental agency with regard to protecting my
11 family from a nuclear accident. The assumption of the
12 plan seems to be that for evacuation purposes we do not
13 exist and will not influence the evacuation."

14 That portion of the testimony clearly is
15 relevant. Without addressing the following sentence,
16 "As someone so close to the ten-mile cutoff I assure you
17 many of us plan to evacuate." I submit that the
18 remainder of lines one through twelve on page two are
19 not hearsay, speculative or whatever it is --
20 conclusory.

21 He says my knowledge of the roads near the
22 border of the EPZ leads me to believe that massive
23 traffic jams would result at the fringes of the EPZ.
24 That is based upon his own personal knowledge.

25 Furthermore, I am outraged that although there

1 are 54 students from Pocantico Hills who attend the
2 Briarcliff High School, which falls within the EPZ, none
3 of the parents of these youngsters have ever been
4 informed of an evacuation plan.

5 Mr. Bowles has testified that he is an
6 employee of the Pocantico Hills school, and I submit
7 that that statement might very well fall within his own
8 personal knowledge.

9 His statement, in addition, skipping one
10 sentence, "In addition, some Pocantico families live
11 within the EPZ but no provisions have been made to
12 accommodate these children if their families wer
13 evacuated" similarly falls within his own personal
14 knowledge.

15 Again, no accounting has been made of these
16 children. He works at the school and he has just
17 testified he has reason to know that the school
18 principal and the other staff, as he has added to his
19 testimony, still have not been informed as to what
20 procedures he should follow in the event of an
21 evacuation, nor has any other school personnel.

22 As he has testified, he works at the school.
23 This is within the realm of his knowledge.

24 The Power Authority objects to the following
25 portion of the testimony on the basis of hearsay. When

1 Mr. Bowles says that he is a real estate broker and then
2 describes his own personal knowledge as a real estate
3 broker, I don't see that it is hearsay.

4 JUDGE GLEASON: All right. Thank you.

5 (Board conferring.)

6 JUDGE GLEASON: I don't know whether it's late
7 at night or your arguments are getting better as the
8 evening goes on, but taking them up in turn, we think
9 that the objections as it relates to page one and the
10 top of page two are -- will not be granted simply
11 because there are children within the school system that
12 he is familiar with that are within the EPZ and there is
13 a question as to whether the EPZ should be where it is
14 or should be expanded, which is certainly within our
15 area of purview.

16 With respect to the sentence dealing with the
17 school principal, the same. He is there. He is a part
18 of the problem area, if you want to call it that, and we
19 consider it for the purposes of his testimony. We
20 consider that that is legitimate hearsay that we can
21 receive.

22 And as far as real estate broker testimony, we
23 would consider that under Question 6, but we will take
24 it in the record now.

25 So that is the ruling of the Board, and with

1 those -- with that ruling, the testimony of the witness
2 will be received into evidence and bound into the record
3 as if read.

4 (The prepared testimony of Mr. Bowles follows:)

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MY NAME IS RAYMOND BOWLES AND I RESIDE IN POCANTICO HILLS AT 8 STILLMAN LANE. MY TELEPHONE NUMBER IS 769-3307. I AM MARRIED AND THE FATHER OF TWO GRADE SCHOOL CHILDREN. I AM LICENSED BY THE STATE OF NEW YORK AS A TEACHER AND AS A SPEECH PATHOLOGIST AND AM EMPLOYED BY THE POCANTICO HILLS SCHOOL. IN ADDITION, I AM A LICENSED REALTOR OF NEW YORK STATE AND OWN AND OPERATE A REALTY FIRM IN THE VILLAGE OF PLEASANTVILLE.

I HAVE SEVERAL DEEP CONCERNS ABOUT THE PRESENCE OF THE CON EDISON NUCLEAR PLANT AT INDIAN POINT AND ABOUT THE LACK OF EFFECTIVE SAFEGUARDS FOR THE PUBLIC IN THE EVENT OF A NUCLEAR ACCIDENT AT THE PLANT. LIVING JUST ONE-EIGHTH OF A MILE FROM THE EMERGENCY PLANNING ZONE, I FEEL EXTREMELY VULNERABLE IN THE EVENT OF A MELT DOWN AND I FEEL THAT THE COUNTY OF WESTCHESTER HAS COMPLETELY IGNORED THOSE OF US OUTSIDE BUT YET SO CLOSE TO THE EPZ. WITH NO ASSURANCES THAT MY FAMILY WILL BE SPARED THE AWESOME CONSEQUENCES OF THOSE CLOSER TO INDIAN POINT, I QUESTION THE ARBITRARY CUT OFF POINT OF A TEN MILE RADIUS WHEN SO MANY FACTORS WOULD INFLUENCE THE EFFECTS OF RADIATION RESULTING FROM AN ACCIDENT AT INDIAN POINT. I HAVE NEVER RECEIVED ANY INSTRUCTIONS OR INFORMATION FROM WESTCHESTER COUNTY OR ANY GOVERNMENT AGENCY WITH REGARD TO PROTECTING MY FAMILY FROM A NUCLEAR ACCIDENT. ASSUMPTION OF THE PLAN SEEMS TO BE THAT FOR EVACUATION PURPOSES WE DO NOT EXIST AND WILL NOT

INFLUENCE THE EVACUATION. AS SOMEONE SO CLOSE TO THE TEN MILE CUT OFF, I ASSURE YOU MANY OF US PLAN TO EVACUATE. MY KNOWLEDGE OF THE ROADS NEAR THE BORDER OF THE EPZ LEADS ME TO BELIEVE THAT MASSIVE TRAFFIC JAMS WOULD RESULT AT THE FRANGES OF THE EPZ.

FURTHERMORE, I AM OUTRAGED THAT ALTHOUGH THERE ARE FIFTY-FOUR STUDENTS FROM POCANTICO HILLS WHO ATTEND THE BRIARCLIFF HIGH SCHOOL, WHICH FALLS WITHIN THE EPZ, NONE OF THE PARENTS OF THESE YOUNGSTERS HAVE EVER BEEN INFORMED OF AN EVACUATION PLAN. THEY HAVE NO IDEA AS TO WHERE THEIR CHILDREN WOULD BE ^{OR} HOW TO CONTACT THEM AFTERWARDS. IN ADDITION, SOME POCANTICO FAMILIES LIVE WITHIN THE EPZ BUT NO PROVISIONS HAVE BEEN MADE TO ACCOMMDATE THESE CHILDREN IF THEIR FAMILIES WERE EVACUATED. LASTLY, THERE ARE A NUMBER OF CHILDREN WHO LIVE WITHIN THE EPZ WHO ATTEND POCANTICO HILLS SCHOOL THROUGH THE BOCES GIFTED AND TALENTED PROGRAM. AGAIN NO ACCOUNTING HAS BEEN MADE OF THESE CHILDREN. THE SCHOOL PRINCIPAL HAS NEVER BEEN INFROMED AS TO WHAT PROCEDURES HE SHOULD FOLLOW IN THE EVENT OF AN EVACUATION NOR HAS ANY OTHER SCHOOL PERSONNEL.

I WOULD ALSO LIKE TO ADD THAT AS A REAL ESTATE BROKER, I OFTEN ENCOUNTER CUSTOMERS SEEKING HOMES IN CENTRAL AND NORTHERN WESTCHESTER. OFTEN SITUATIONS ARISE WHEN I REFER PEOPLE TO OTHER AREAS IN SEARCH OF A HOME. BECAUSE OF

CERTAIN SIMILARITIES TO MY AREA, ESPECIALLY A HIGHLY RATED SCHOOL DISTRICT WITH FAIRLY LOW TAXES, I FIND MYSELF SUGGESTING THAT CUSTOMERS LOOK IN THE MONTROSE VICINITY. CONSERVATIVELY, THIRTY TO FORTY PERCENT OF THE CUSTOMERS EXPRESS UNWILLINGNESS TO EVEN CONSIDER THE AREA BECAUSE OF THE NUCLEAR PLANT. AS A MATTER OF FACT, FOUR CUSTOMERS HAVE COME INTO MY OFFICE THIS YEAR CARRYING A MAP WITH A CIRCLE MARKING THE EPZ AND REQUESTING THAT THEY ONLY BE SHOWN HOUSES OUTSIDE OF THE ZONE. ALTHOUGH I HAVE NO DOCUMENTATION OF COMPARABLE PROPERTY VALUES, I STRONGLY SUSPECT THAT THE PROXIMITY OF THE NUCLEAR PLANT AT INDIAN POINT IS A KEY FACTOR DEPRESSING REAL ESTATE VALUES IN THOSE COMMUNITIES.

BECAUSE OF THE DEMONSTRATED INACCURACIES AND OMISSIONS OF THE EMERGENCY RESPONSE PLAN FOR INDIAN POINT AS WELL AS NUMEROUS UNKNOWN CONSEQUENCES OF THE EFFECTS ON THE HEALTH AND SAFETY OF THE NEIGHBORING POPULATION, I URGE THAT THE NUCLEAR REGULATORY COMMISSION CLOSE THE NUCLEAR PLANT AT INDIAN POINT UNTIL SUCH TIME AS A TOTALLY FEASIBLE EVACUATION PLAN IS DEVELOPED OR CONSIDER THE PERMANENT CLOSING OF INDIAN POINT IF SUCH A PLAN CANNOT BE ACHIEVED.

Ray S. Boulton
June 4, 1982

1 JUDGE GLEASON: Would you proceed with your
2 cross examination?

3 CROSS EXAMINATION

4 BY MR. CZAJA:

5 Q Mr. Bowles, as I understand it you do not
6 reside within the ten-mile EPZ. Is that correct?

7 A (WITNESS BOWLES) No, I do not.

8 Q And you do not work within the ten-mile EPZ,
9 is that correct?

10 A (WITNESS BOWLES) No. Well, as my employment
11 at the school, I do not.

12 Q The school is not within the ten-mile EPZ?

13 A (WITNESS BOWLES) Yes. Some of the district
14 is.

15 Q No. I am just talking physically about the
16 school.

17 A (WITNESS BOWLES) The building is not.

18 Q So in the event of an evacuation of the EPZ
19 the school would not be evacuated, correct, as far as
20 you know?

21 A (WITNESS BOWLES) The school would not be, no,
22 but some of the children who are attending the school --

23 Q Mr. Bowles, it is late in the evening and we
24 will move along more quickly if you would just respond
25 to my questions.

1 A (WITNESS BOWLES) Whatever you say.

2 Q Now as I understand the testimony --

3 JUDGE GLEASON: I might say, Mr. Czaja, that
4 his testimony reflects that there is a question with
5 regard to what they do with the children who are in the
6 school who reside in the EPZ.

7 MR. CZAJA: Yes, Your Honor.

8 JUDGE GLEASON: I don't want to add to the
9 thing any more than you want it added to, but I think it
10 is in his testimony and I think his response was
11 providing a full explanation.

12 BY MR. CZAJA: (Resuming)

13 Q At the bottom of page one of your testimony,
14 approximately five lines up from the bottom of the page
15 you say you never received any instructions or
16 information from Westchester County. Have you attempted
17 or have you made an inquiry of any Westchester County
18 employee or official in an attempt to receive this
19 information that you are concerned about not having?

20 A (WITNESS BOWLES) Well, I don't think that is
21 my responsibility.

22 Q Now --

23 JUDGE GLEASON: I take it your answer is no,
24 Mr. Bowles?

25 WITNESS BOWLES: No.

1 BY MR. CZAJA: (Resuming)

2 Q On page two of your testimony, the third line
3 from the top of the page, you discuss your knowledge of
4 the roads near the border of the EPZ. Now which portion
5 of the border of the EPZ are you referring to in that
6 sentence?

7 A (WITNESS BOWLES) The southeast.

8 Q And approximately what percentage of the total
9 360 degrees of the ten-mile zone are you referring to?

10 A (WITNESS BOWLES) I don't understand your
11 question.

12 Q Well, in other words, you said you are
13 referring to the roads in the southeast portion of the
14 EPZ, is that correct?

15 A (WITNESS BOWLES) Yes, as far as it directly
16 affects me.

17 Q Now if you are able to respond to my question,
18 I am just trying to get a sense of this 360-degree
19 circle, ten miles in radius, and how many degrees out of
20 those 360 do you feel in the southeast that you are
21 familiar with the roads?

22 JUDGE GLEASON: Excuse me. I'm not sure I
23 understand the question.

24 MS. POTTERFIELD: Mr. Czaja, you could use our
25 map if you like.

1 MR. CZAJA: Well, I haven't seen the map.

2 JUDGE GLEASON: Here's the map.

3 MR. CZAJA: I can't find Ponatico Hills.

4 BY MR. CZAJA: (Resuming)

5 Q Why don't we try it? We will try it this way,
6 Mr. Bowles. If you can look at the map but at the same
7 time give us a verbal description so that we will have
8 something on the record as to which portion of that
9 border you feel you are familiar with the roads and that
10 you are referring to those roads at the top of page two
11 of your direct testimony.

12 A (WITNESS BOWLES) Well, I'm very familiar with
13 all of the roads that lie within, I would say, the lower
14 eighth quadrant of this sketch, as I see it -- in other
15 words from the Hudson River east to the end of the zone
16 and north to Yorktown.

17 JUDGE PARIS: And north to Yorktown?

18 WITNESS BOWLES: Yes. Because, of course, I
19 am familiar with roads beyond that, but I am very
20 familiar with the roads within that area.

21 BY MR. CZAJA: (Resuming)

22 Q Now do you have any opinion -- withdrawn.

23 Are you familiar with the fact that evacuation
24 time estimates have been made for evacuation of the EPZ?

25 A (WITNESS BOWLES) Yes, I am aware that

1 estimates have been made.

2 Q Do you have any knowledge as to the content of
3 those estimates beyond being aware that they exist?

4 A (WITNESS BOWLES) To some degree, yes.

5 Q And could you briefly tell me what your
6 knowledge is of the content of those estimates?

7 A (WITNESS BOWLES) Do you mean in terms of
8 hours?

9 Q Whatever knowledge you have. Do you know the
10 hours?

11 A (WITNESS BOWLES) No, I don't know exactly the
12 hours, but I know that within certain time span that we
13 do have some latitude.

14 Q Well, are you offering an opinion here tonight
15 as to the effect of the massive traffic jams that you
16 believe would exist at the fringes of the EPZ on those
17 evacuation time estimates?

18 A (WITNESS BOWLES) Well, yes, I can. I feel
19 that just from what I know of neighbors, colleagues and
20 so forth who would be aware, whenever they were made
21 aware of an evacuation, probably would not honor any
22 time limits that have been set.

23 Q Do you understand that the evacuation time
24 estimates are somehow predicated on people honoring time
25 estimates?

1 A (WITNESS BOWLES) I understand that they are
2 supposed to be.

3 Q That there is a set time and that's what they
4 are supposed to honor?

5 A (WITNESS BOWLES) Yes.

6 Q Do you have any expertise or knowledge in
7 traffic planning or in estimating evacuation times?

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

9 Q Now let's turn to the next paragraph on page
10 two. This is the paragraph that starts "Furthermore, I
11 am outraged." As I understand it, you do not teach at
12 the Briarcliff High School. You teach at the Pocantico
13 Hills School, is that correct?

14 A (WITNESS BOWLES) That's right.

15 Q Now how did you become aware of the situation
16 that you are outraged about? What is your relationship
17 to this situation?

18 A (WITNESS BOWLES) Well, I have become aware of
19 it because I read about it in the newspaper.

20 Q And after you read about it in the newspaper
21 you became outraged?

22 A (WITNESS BOWLES) Yes.

23 Q Have you taken any steps to remedy this
24 feeling of outrage after you read the newspaper?

25 A (WITNESS BOWLES) I have talked to other

1 parents in my neighborhood. I have talked to the
2 principal of the Briarcliff High School, as well as the
3 principal of Pocantico Hills School.

4 JUDGE GLEASON: And he's also appearing here.

5 BY MR. CZAJA: (Resuming)

6 Q Have you talked to any of the parents of these
7 54 students?

8 A (WITNESS BOWLES) Yes, I have.

9 Q And what did the principal of the Briarcliff
10 High School report to you when you conveyed your concern
11 to him?

12 A (WITNESS BOWLES) Simply that they were taking
13 whatever steps they were instructed to do to evacuate
14 the children from the school.

15 Q Now in the last sentence in that paragraph you
16 referred to a school principal.

17 A (WITNESS BOWLES) Yes.

18 Q This is the school principal at your school?

19 A (WITNESS BOWLES) Yes. He is the supervising
20 principal.

21 Q And what is his name?

22 A (WITNESS BOWLES) Dr. Roger Wutzl.

23 Q I'm sorry. I didn't catch the last name.

24 A (WITNESS BOWLES) The last name is Wutzl --
25 W-u-t-z-l.

1 Q Now this testimony is dated June 4, 1982. To
2 your knowledge, has Dr. Wutzl received any information
3 since that date as to what procedures he should follow
4 in the event of an evacuation?

5 A (WITNESS BOWLES) I asked him on March 8, last
6 week, if he had received any information or any further
7 knowledge as to what he should do or instruct his
8 employees to do and his response was no, that he had not.

9 Q Well, is it your understanding that there is
10 any provision in the evacuation plan for schools located
11 outside of the EPZ to take any action with respect to an
12 evacuation?

13 A (WITNESS BOWLES) Is it my understanding that
14 they should?

15 Q That there is a provision in the plan that Dr.
16 Wutzl should be informed about.

17 A (WITNESS BOWLES) No, I don't know.

18 Q If under the plan he is not supposed to do
19 anything, you may not be surprised that he has not been
20 informed about that.

21 A (WITNESS BOWLES) Except he has school
22 children going to school within the EPZ.

23 Q Right now we're just talking about the content
24 of the plan, not what the plan should be.

25 A (WITNESS BOWLES) Fine.

1 MS. POTTERFIELD: I object, Your Honor. I
2 think that is what the witness is talking about. I
3 believe that he may have misunderstood Mr. Czaja's
4 question.

5 JUDGE GLEASON: The whole witness' testimony
6 is that he ought to be consulted. Please proceed, Mr.
7 Czaja.

8 MR. CZAJA: I have no further questions.

9 JUDGE GLEASON: Mr. Brandenburg, you don't
10 have any questions, do you?

11 MR. BRANDENBURG: Very, very few.

12 CROSS EXAMINATION

13 BY MR. BRANDENBURG:

14 Q Mr. Bowles, as I understand it you are
15 employed by the Pocantico Hills School, is that
16 correct?

17 A (WITNESS BOWLES) That is correct.

18 Q In the first full paragraph starting on page
19 two of your testimony, however, you talk about 54
20 students who attend not your school but, rather, another
21 school called the Briarcliff High School.

22 A (WITNESS BOWLES) That's right.

23 Q And you state that parents of those children
24 were not informed of the evacuation plan.

25 A (WITNESS BOWLES) Yes.

1 Q Now my question is, may I have the source of
2 your information about the non-communication with the
3 parents of these students who attend the Briarcliff High
4 School?

5 A (WITNESS BOWLES) Well, I talked to
6 approximately eleven parents and none of them had -- I'm
7 assuming that the rest of them hadn't.

8 Q And you did this some time prior to the filing
9 of your testimony in June?

10 A (WITNESS BOWLES) Yes.

11 Q Now turning to the portion of your testimony
12 dealing with real estate values, have you made any
13 efforts to quantify the extent to which your suspicions
14 that real estate prices within the EPZ might be
15 depressed due to the presence of Indian Point?

16 A (WITNESS BOWLES) No, I have no way of doing
17 that. I have not made the attempt.

18 MR. BRANDENBURG: I have no further questions,
19 Mr. Chairman.

20 JUDGE GLEASON: You don't have any redirect,
21 do you, Miss Potterfield?

22 MS. POTTERFIELD: I'm sorry, Judge Gleason.

23 REDIRECT EXAMINATION

24 BY MS. POTTERFIELD:

25 Q Mr. Bowles, you have been examined regarding

1 your understanding of the plan and its provisions for
2 people living outside the EPZ. My question is what is
3 your understanding of the plan regarding children who go
4 to school outside the EPZ but their families live within
5 the EPZ?

6 A (WITNESS BOWLES) Well, that is exactly my
7 concern. There have been no provisions made for them.

8 Q And in the course of your employment at the
9 school, what do you understand will be done with those
10 children in the event that the EPZ itself is ordered to
11 evacuate?

12 A (WITNESS BOWLES) Nobody knows. We also have
13 children in the school who live well in the EPZ. We
14 have children through the BOCES gifted and talented
15 program. We have children who come to our school on a
16 paid tuition basis and they live within the EPZ, some as
17 far north as Mt. Aicy Road in Croton.

18 MS. POTTERFIELD: Thank you, Mr. Bowles. I
19 have no further questions.

20 JUDGE GLEASON: Thank you, Mr. Bowles, for
21 coming and giving us this testimony.

22 (The witness was excused.)

23 JUDGE GLEASON: What sayeth you, Mrs.
24 Rodriguez?

25 MS. RODRIGUEZ: Well, I just have -- I don't

1 want to keep us up any later. I just wanted to comment
2 on something that Judge Paris said to me before we broke
3 and I might say that about our Parents witnesses, our
4 Parents panel. We have not decided yet what to do with
5 them as far as the record is concerned, but Judge Paris
6 pointed out correctly that we have had a lot of panels
7 of witnesses whose testimony has been accepted and have
8 been cross examined, et cetera.

9 But I must point out that our two panels that
10 were really cut to shreds were our Parents panels, and
11 the ones who -- they are the ones who are not so-called
12 professionals or experts as they have standing in the
13 community as far as being responsible for large numbers
14 of people.

15 And just very briefly we felt in going over in
16 our anxiousness to comply with the Board's orders and to
17 cut down our numbers of witnesses and make a potentially
18 very lengthy procedure much more efficient and
19 manageable, we went through -- Parents Concerned
20 witnesses were approximately 100 in the beginning. Many
21 of them were parents, in addition to other local
22 officials, et cetera. And we looked for the strongest
23 testimony and the ones we felt also that were most
24 representative of what other parents felt.

25 And I might add that of the 100 testimonies we

1 really could have gotten many, many more but felt that
2 that would have been too many. So I hope I have -- also
3 we feel that our mothers panels were very important --
4 our Parents panels -- because there are some people who
5 feel that they would much rather get between a criminal
6 and his target than a mother and a child, because it has
7 been demonstrated in studies, psychological and
8 otherwise, that there is very strong bonding.

9 So we were attempting -- we have been
10 attempting to have parents testify, number one, who
11 represent many others, to be representative, and, number
12 two, to demonstrate personally many of the things that
13 experts -- professional experts -- have been stating in
14 this proceeding.

15 And I was just wondering if it would carry any
16 more weight with the Board if we could be allowed a
17 special session one evening next week and perhaps call
18 the husbands of some of our mothers from the panels.

19 JUDGE GLEASON: Well, I really don't think,
20 Mrs. Rodriguez, that we are going to be in position of
21 expanding the schedule. It is very tight right now and
22 I really don't know whether that would add to the
23 problem that we have with the testimony that you refer
24 to.

25 We recognize the difficulties that pro se

1 intervenors have in NRC cases. We do. We try, even
2 though it may not appear that way, to bend over to allow
3 you to get over some of the hurdles which you ordinarily
4 would not excuse in professional people and people who
5 are presumably experienced. But there are certain
6 limits that we cannot exceed, and unfortunately those
7 limits were involved in your testimony in these two
8 panels of witnesses.

9 We understand your disappointment, but we will
10 still wait and hear from you as to what you resolve.

11 MS. POTTERFIELD: Judge Gleason, I think it
12 should be clear that as to the question of the
13 materiality of the parents' testimony about their
14 response in an emergency, it is this lawyer's opinion
15 that the Board has erred in ruling that that testimony
16 is not material. It is not an error of a pro se
17 intervenor as to the materiality and the importance of
18 being able to refute the licensees' so-called expert
19 testimony with the testimony of the parents who are
20 expert in being parents.

21 JUDGE GLEASON: I was not inferring that you
22 concurred with the Board's ruling, Mrs. Potterfield, and
23 we assume that your objection is going to be continuous
24 and longstanding. We will see you all in the morning at
25 9:00.

1 (Whereupon, at 9:10 o'clock p.m., the hearing
2 recessed, to reconvene at 9:00 o'clock a.m., Thursday,
3 March 17, 1983.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
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: March 16, 1983

Docket Number: 50-247 SP and 50-286 SP

Place of Proceeding: White Plains, New York

were held as herein appears, and that this is the original transcript
thereof for the file of the Commission.

Ray Heer

Official Reporter (Typed)

Ray Heer

Official Reporter (Signature)