

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

4 -----:

5 IN THE MATTER OF: Docket Nos.
6 CONSOLIDATED EDISON COMPANY OF : 50-247 SP
7 NEW YORK (Indian Point Unit 2) :
8 POWER AUTHORITY OF THE STATE OF : 50-286 SP
9 NEW YORK) Indian Point Unit 3) :

10 -----:

11 Westchester County Courthouse
12 111 Grove Street
13 White Plains, N.Y.

14 Thursday, March 24, 1982

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

17 BEFORE:

18 JAMES GLEASON, Chairman
19 Administrative Judge

21 OSCAR H. PARIS
22 Administrative Judge

24 FREDERICK J. SHON
25 Administrative Judge

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

2 On Behalf of Licensee, Consolidated Edison Company
3 of New York

4 BRENT L. BRANDENBURG, ESQ.

5 Assistant General Counsel

6 THOMAS L. FARRELLY, ESQ.

7 Consolidated Edison Company of New York

8 4 Irving Place

9 New York, N.Y. 10003

10

11 On Behalf of Licensee, The Power Authority of the
12 State of New York

13 JOSEPH J. LEVIN, ESQ.

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16 Washington, D.C. 20036

17

18 DAVID H. PIKUS, ESQ.

19 RICHARD F. CZAJA, ESQ.

20 Shea & Gould

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1 On Behalf of the Nuclear Regulatory Commission
2 Staff

3 DONALD HASSELL, ESQ.

4

5 On Behalf of the Federal Emergency Management
6 Agency

7 STEWART GLASS, ESQ.

8

9 On Behalf of the Intervenors

10

11 Council of the City of New York

12 CRAIG KAPLAN, ESQ.

13

14 Friends of the Earth, Inc., and

15 New York City Audubon Society

16 RICHARD HARTZMAN, ESQ.

17

18 New York Public Interest Research Group

19 JOAN HOLT, ESQ.

20 AMANDA POTTERFIELD, ESQ.

21 JUDITH KESSLER, ESQ.

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C O N T E N T S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
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O"ROURKE

Vetere	11518		11574	
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Posner		11521		
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Potterfield		11555		
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Kaplan		11579		
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Brandenburg		11606		
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Hassell		11609		
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KAMINSKI

Verete	11616			
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Posner		11618		
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Potterfield		11629		
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Brandenburg		11650		
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EXHIBITS

NUMBER	IDENTIFIED	RECEIVED
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UCS NYPIRG 17		11517
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1 JUDGE GLEASON: This time period is
2 allocated for Westchester County, Ms. Vetere,
3 would you want to start, please?

4 MS. VETERE: I call Andrew P.
5 O'Rourke, County Executive of Westchester County,
6 to the stand.

7 JUDGE GLEASON: I believe you were
8 sworn the last time.

9 THE WITNESS: I don't believe I was
10 sworn. I believe it was unsworn.

11 Whereupon

12 ANDREW P. O'ROURKE
13 was sworn by the Administrative Law Judge and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. VETERE:

17 Q. County Executive O'Rourke, would you
18 please state your full name, business address and
19 occupation for the record?

20 A. My name is Andrew P. O'Rourke. I am
21 the County Executive of Westchester County since
22 January 1, 1983, and my business address is the
23 County Office Building, White Plains, New York.

24 Q. Do you have your direct testimony
25 consisting of 5 pages before you?

1 A. Yes, I do.

2 Q. Do you have any corrections or
3 addition to the testimony to make sure the
4 testimony is up to date and accurate at this time?

5 A. I might have one.

6 I think on page three we say that we
7 have received 1 thousand potassium iodide pills,
8 and I understand and am informed and believe that
9 we now have six thousand of such pills, and that
10 is a correction I wish to make to that testimony.

11 Q. Mr. O'Rourke, do you have any other
12 additions to your testimony?

13 A. I have one additional statement, part
14 of my testimony that I brought with me this
15 morning, and I ask that this be accepted. I am
16 sorry that I didn't have a chance to pre-file this,
17 but I have been out of the county, and I have
18 brought that with me this morning and made copies
19 available to all parties. And may I go ahead and
20 read?

21 Q. Would you please read the additional
22 testimony?

23 JUDGE GLEASON: I think that we don't
24 have to have it read. Everybody can read it, so we
25 will just add it to the testimony as an amendment..

1 THE WITNESS: That would be fine with
2 me. You haven't had a chance, Mr. Chairman, to
3 read the additional testimony I brought with me
4 this morning.

5 JUDGE GLEASON: Yes, I have. That's
6 what I was just talking about. We have had it
7 filed.

8 Has everybody had a chance to read it?

9 Q. Is your testimony now true and
10 correct to the best of your knowledge and belief?

11 A. It is.

12 Q. I now move the admission of the
13 direct testimony of Andrew P. O'Rourke, plus plus
14 the additional testimony be admitted and bound in
15 the transcript as read.

16 JUDGE GLEASON: Are there any
17 objections?

18 Hearing none, the testimony of Mr.
19 O'Rourke, plus the additional testimony filed
20 today, will be received into the record as
21 evidence and bound into the record as if read.

22 (Bound testimony follows.)

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

TESTIMONY OF
WESTCHESTER COUNTY EXECUTIVE
ANDREW P. O'ROURKE
ON COMMISSION QUESTIONS
THREE AND FOUR

March 11, 1983

TESTIMONY OF WESTCHESTER COUNTY EXECUTIVE

ANDREW P. O'ROURKE

My name is Andrew P. O'Rourke. I have been the County Executive of Westchester County, New York since January 1, 1983. Prior to this position I was a member of the Westchester County Board of Legislators since 1974 and I was Chairman of that Board from 1978 to 1982.

I have given a limited appearance statement in these proceedings on January 10th, just ten days after assuming the duties of the Office of the County Executive, and I am grateful for the opportunity to testify at this time. This Board has before it the testimony of the Westchester County officials responsible for implementation of an emergency response plan for the Indian Point facilities. They have given you their considered judgments and in my opinion, they are the experts on the myriad details relating to their problems in effecting a protective response.

I, however, would like to give this Board an update and evaluation of corrective actions taken since I took office in January of 1983. I would like to note that emergency planning for Indian Point has been one of the most challenging issues facing my Administration.

In my previous opportunity to speak to this Board, I informed you of my request to the Power Authority of the State of New York and Con Edison to make money available for correcting deficiencies in Westchester's preparedness in three areas.

Funds were requested from the utilities for:

- 1) A comprehensive transportation study,
- 2) The training of all our emergency personnel, and
- 3) For the purchase of equipment necessary for a) communications, b) for the detection of radiation and c) for the protection against radiation.

On the whole, these requests were met with the best of intentions. Efforts were expended in resolving the problems in each of these areas, but I cannot report to you that any one of these goals has been completely accomplished to date.

The first area of concern is the comprehensive transportation study. Negotiations are still underway, but not complete, for the funding of a transportation study. The exigency of this study has been lessened however by a major revision in Westchester's mass transit component of the plan. The change makes it possible for school children in the 10-mile zone to be sent home from school to their parents or guardians in the event of an emergency at the nuclear plants. Instead of waiting until an evacuation order for the general populous, school children will be sent home during the alert stage, or the beginning stages of any potentially serious accident at Indian Point.

We believe the early dismissal concept endorsed by the Putnam-Northern Westchester Chief School Officers Association lessens the psychological stress problems relating to the separation of parents and children in the event of an emergency and also anticipated traffic flow problems that would be created by parents going to the schools to pick up their children.

While the early dismissal proposal solves some of our most fundamental concerns, in a rapidly worsening emergency, there may not be sufficient alert time to send all school-age children home. In that case, new alternatives must be analyzed. Additional transportation problems remain including: the routes used in the plan need to be independently assessed and streamlined for maximum efficiency; bus drivers must be recruited; and staging areas for assembling and dispatching buses must be established outside the emergency zone.

The second area unresolved to date is the training of all our emergency workers. Training was conducted by the State for all the police officers in the 10-mile zone that police chiefs made available for training. The overtime training costs of these police officers will be picked up by the State. Training must still be conducted for those police officers, approximately 1,600, outside the 10-mile zone. Training is still lacking for fire personnel, ambulance drivers, local public works, school and hospital personnel. Significant progress has been made in training social service personnel and health department personnel. Only a minimal number of bus drivers have been trained at this time.

With respect to protective equipment, since January, we have received approximately 1,000 potassium iodine pills out of the 7,000 that are needed. Additionally, we have received 150 dosimeters (0-5 rem) making a total of 400 low-range dosimeters for all County emergency workers. The percentage of low-range dosimeters for all County emergency workers is only 6%.

We are also lacking approximately 4,300 thermoluminescent dosimeters (TLD's). This lack of equipment remains a serious concern of ours.

An Executive Work Sessions Group has been established by myself and includes officials from Con Ed, PASNY, and New York State to resolve the remaining problems in emergency planning. I must applaud the utilities and New York State in their diligence and commitment to this work group. We will continue to meet and work on a bi-weekly basis until I feel that all our major concerns have been substantially met.

A deficiency recently discovered in the plan during recent drill preparation activities is that approximately 22 group homes and juvenile delinquent facilities representing 400 people had been totally excluded from the planning process by the utilities' consultants. These special facilities were not included in the Parsons Brinckerhoff plan and efforts will now have to be expended to correct this omission.

With respect to the utilities' emergency planning brochure that was not distributed before the March 9th drill, the State failed to fulfill its responsibility of having written contracts with schools designated as reception centers. A number of school districts designated as reception centers under the plan officially withdrew from the plan, and desperate last measures to correct the situation had to be taken.

The result of all this is that the public, having no other information but the brochure distributed last year is rightfully unsure as to which reception centers will be used in the event of an emergency. This unfortunate situation must be resolved immediately and this information must be disseminated to the residents of the 10-mile zone, in a form bold enough to capture their attention and ensure that the brochure does not go out in the trash.

We are in the process of hiring a Coordinator for Indian Point Affairs in Westchester County, a position which is being funded by the utilities. The coordination of Indian Point is indeed a full-time position and I am pleased that the utilities have recognized this fact and have stated their intention to fund such a position.

In conclusion, Westchester is continuing to strive to correct deficiencies in our planning and preparedness. I am pleased with our accomplishments in the past few months and with the assistance provided by the utilities and New York State. Yet, I cannot be quiescent about our remaining deficiencies in transportation, training and equipment. Equipment and training for all emergency workers, a sound plan and drivers for transporting persons in the event of an evacuation, along with public awareness of and confidence in the plan are the prerequisites for a successful emergency response. Although these basic prerequisites are still lacking, Westchester has made progress in emergency planning since January and we will continue in our efforts to provide for the safety of Westchester's residents.

ADDITIONAL TESTIMONY OF COUNTY EXECUTIVE AND JAMES J. O'ROURKE
BEFORE THE NUCLEAR REGULATORY COMMISSION - MARCH 24, 1983

IN ADDITION TO THE TESTIMONY FILED WITH YOUR HONORABLE COMMISSION ON MARCH 11, 1983, I WISH TO MAKE THE FOLLOWING STATEMENT.

TWO OF THE MOST OUTSTANDING PROBLEMS SURROUNDING THE INDIAN POINT EMERGENCY RESPONSE PLANS CONTINUE TO BE TRANSPORTATION AND POLICE FUNCTIONS. THE PROBLEM OF TRANSPORTATION INCLUDES THE MOVING OF PEOPLE DEPENDENT ON PUBLIC TRANSPORTATION AND THE DIFFICULTY IN RECRUITING BUS DRIVERS WHO WOULD VOLUNTEER TO DRIVE INTO A POTENTIALLY CONTAMINATED AREA. THE POLICE PROBLEMS INCLUDE TRAINING AND MANPOWER FOR MONITORING OF AN EVACUATED AREA TO INSURE AGAINST LOOTING AND THE POTENTIALLY HORRENDOUS PROBLEMS OF TRAFFIC CONTROL, ESPECIALLY IN THE EVENT OF SPONTANEOUS EVACUATION.

TO DATE, ATTENTION HAS BEEN FOCUSED ON THE PROBLEMS OF TRAINING LOCAL POLICE AND BUS DRIVERS, AND IF NECESSARY THE STATE NATIONAL GUARD.

AS YOU KNOW THE STATE COUNTY AND LOCAL GOVERNMENTS ATTEMPTED TO TRAIN ALL POLICE IN WESTCHESTER WITHIN THE 10 MILE EMERGENCY PLANNING ZONE BEFORE THE MARCH 9TH DRILL AND HAVE SUCCEEDED IN TRAINING ALL THOSE POLICE OFFICERS MADE AVAILABLE FOR SUCH TRAINING. BUT THIS IS NOT ENOUGH. WE MUST HAVE EVERY SINGLE POLICE OFFICER IN WESTCHESTER TRAINED AND TRAINED SOON. INDIAN POINT 2 IS IN OPERATION AS WE SPEAK, AND INDIAN POINT 3 IS DUE TO COME ON LINE IN THE NEXT MONTH.

THE TRAINING OF EMERGENCY WORKERS IN WESTCHESTER ALONE IS A HUGE UNDERTAKING AND ONE NOT EASILY ACCOMPLISHED.

BUS DRIVERS TOO, MUST BE TRAINED, BUT FIRST WE MUST BE ASSURED THAT THERE ARE BUS DRIVERS WHO WILL ACTUALLY DRIVE IN A REAL EMERGENCY.

THE STATE HAS GENEROUSLY OFFERED THE SERVICES OF THE NATIONAL GUARD TO PERFORM THE BUS DRIVING FUNCTION BUT THESE GUARDSMEN ARE RESERVES - NOT FULL-TIME MILITARY PERSONNEL, ON-CALL 24 HOURS A DAY. WE HAVE BEEN GIVEN A "BEST TIME " ESTIMATE FOR ARRIVAL OF THE NATIONAL GUARD AT 6 - 8 HOURS, AN ADMIRABLE GOAL, BUT ATTAINABLE ONLY IF THE NATIONAL GUARD WERE ALREADY ON AN ALERT STATUS.

I AM A FIRM BELIEVER IN THE LOWEST LEVEL OF GOVERNMENT PERFORMING THE FUNCTIONS AND SERVICES WHICH ITS CONSTITUENTS REQUIRE AND DEMAND. BUT, THE RESOURCES OF WESTCHESTER COUNTY GOVERNMENT ARE PRESENTLY BEING TAXED ON THE ISSUE OF INDIAN POINT BEYOND WHAT IS REASONABLE AND RIGHT FOR ANY COUNTY GOVERNMENT TO BEAR.

IT IS OUR BELIEF THAT THE FEDERAL GOVERNMENT MUST IN ALL CONSCIENCE PAY FOR A LARGE PORTION OF THE REQUIREMENTS OF NUCLEAR EMERGENCY PREPAREDNESS. IT WAS THE FEDERAL GOVERNMENT THAT PERMITTED THESE PLANTS TO BE BUILT HERE IN WESTCHESTER AND IN APPROXIMATELY 75 OTHER LOCATIONS AROUND THE UNITED STATES AND IT SHOULD BE THE FEDERAL GOVERNMENT THAT PAYS FOR THEIR CONSEQUENCES.

WHILE LOCAL POLICE, EMERGENCY WORKERS AND BUS DRIVERS ARE SURE TO BE NECESSARY IN THE EVENT OF A SERIOUS ACCIDENT AT INDIAN POINT, IT IS MY BELIEF THAT WE SHOULD EXPLORE THE USE OF THE UNITED STATES MILITARY TO PERFORM THE TRANSPORTATION AND POLICE FUNCTIONS AT NUCLEAR POWER PLANTS ACROSS THE COUNTRY.

THERE ARE PRESENTLY SEVERAL OPTIONS:

THERE IS IN EXISTENCE TODAY A GROUP OF MILITARY UNITS WHICH WHEN CALLED TOGETHER FOR AN EMERGENCY IN THE UNITED STATES BECOMES THE READINESS COMMAND. THIS GROUP, COMPRISED OF ARMY AND AIR FORCE PERSONNEL IS NOT PRESENTLY TRAINED IN RADIOLOGICAL EMERGENCIES BUT IS TRAINED TO ASSIST THE FEDERAL EMERGENCY

MANAGEMENT AGENCY IN THE EVENT OF NATURAL DISASTERS. THERE IS ALSO IN EXISTENCE TODAY A PROVISION OF THE PUBLIC LAW # 93288 WHICH ALLOW THE GOVERNMENT TO ASK THE PRESIDENT OF THE UNITED STATE FOR FEDERAL MILITARY ASSISTANCE IN THE EVENT AN EMERGENCY IS SO GRAVE IT HAS EXHAUSTED THE RESOURCES OF THE LOCALITIES AND THE STATE.

THERE ALSO PRESENTLY EXISTS GROUPS OF THE FEDERAL MILITARY THAT HAVE EXPERTISE IN EMERGENCY RESPONSE TO ACCIDENTS INVOLVING NUCLEAR WEAPONS. THESE GROUPS ARE HIGHLY TRAINED AND PARTICIPATE IN EXERCISES WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON A REGULAR BASIS. THEY ARE NOT TRAINED PRESENTLY TO RESPOND TO NUCLEAR POWER PLANT EMERGENCIES.

WHAT WE ARE PROPOSING HERE IS THAT FEMA, WORKING WITH THE UNITED STATES MILITARY EXPLORE THE POSSIBILITY OF CREATING A UNIT WITHIN THE READINESS COMMAND, THE DEFENSE NUCLEAR AGENCY, THE UNITED STATES ARMY OR SOME OTHER UNIT OF THE FEDERAL MILITARY TO BE TRAINED UNDER A FEDERAL PLAN TO RESPOND TO A NUCLEAR POWER PLANT EMERGENCY ANYWHERE IN THE UNITED STATES AND PARTICULARLY TO INDIAN POINT. FOR WANT OF A BETTER NAME LET US CALL THIS GROUP THE " FEMA BRIGADE".

THERE ARE ALSO PRESENTLY SEVERAL OBSTACLES TO BE OVERCOME IN ATTEMPTING TO SOLVE THESE PROBLEMS, BUT I DO NOT BELIEVE ANY OF THEM IS INSURMOUNTABLE.

THE FIRST IS THE POSSE COMITATUS ACT WHICH PRCHIBITS THE USE OF THE FEDERAL MILITARY IN CIVILIAN POLICE FUNCTIONS, BUT THERE HAVE BEEN SEVERAL PRECEDENT SETTING INSTANCES IN THE LAST DECADE WHERE THE FEDERAL MILITARY WAS USED TO SUPPLEMENT LOCAL POLICE.

THE SECOND PROBLEM IS A LEGISLATIVE ONE WHICH WOULD REQUIRE AN AMENDMENT TO THE FEDERAL DISASTER RELIEF ACT OF 1974 WHICH PRESENTLY PROVIDES MILITARY OR CIVILIAN ASSISTANCE TO STATE AND LOCAL GOVERNMENTS THAT DEMONSTRATE A NEED BUT MAKES NO PROVISION FOR FEDERAL RESPONSE TO SPECIFIC NUCLEAR EMERGENCIES. THE TIME LOST IN DEMONSTRATING DEPLETION OF STATE AND LOCAL RESOURCES TO CONSTITUTE A "NEED" IN A NUCLEAR EMERGENCY MAY ENDANGER LIVES. WE WILL SEEK TO PUT IN PLACE AN AMENDMENT TO THE FEDERAL DISASTER RELIEF ACT TO ASSURE THAT FEDERAL MILITARY PERSONNEL ARE TRAINED IN RADIOLOGICAL RESPONSE TECHNIQUES AND THAT THEY ARE TRAINED FOR SITE SPECIFIC DUTY. THUS I CALL FOR THOSE SPECIFIC FEDERAL TROOPS, "THE FEMA BRIGADE" TO BE TRAINED, EQUIPPED AND READY TO HELP THIS COUNTY OR ANY AREA THAT HAS A NUCLEAR EMERGENCY.

I WILL BE GOING TO THE WHITE HOUSE SHORTLY TO SPEAK ON THIS ISSUE AND WILL ALSO BE PRESENTING THIS CONCEPT TO THE NATIONAL ASSOCIATION OF COUNTIES IN WASHINGTON, D.C. FOR THEIR CONSIDERATION.

I THANK THIS HONORABLE COMMISSION FOR HEARING MY TESTIMONY TODAY ON THIS VERY SERIOUS MATTER AND ASSURE YOU THAT WE IN WESTCHESTER COUNTY GOVERNMENT WILL MAKE EVERY EFFORT TO PROTECT THE SAFETY OF THE INHABITANTS OF WESTCHESTER COUNTY.

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

3 JUDGE GLEASON: Ms. Potterfield, do
4 you want to?

5 MS. POTTERFIELD: Ms. Posner is going
6 first.

7 CROSS EXAMINATION

8 BY MS. POSNER:

9 Q. Hello, Mr. O'Rourke. I'm Pat Posner,
10 with Parents Concerned About Indian Point.

11 To proceed in an orderly fashion
12 let's start with page one of the document entitled
13 Testimony of Westchester County Executive r Andrew
14 P. O'Rourke.

15 At the bottom of the page you begin
16 to talk about your request for money from the
17 Power Authority and from Con Edison to correct
18 deficiencies. And you continue on the top of page
19 2 to say that the problems have not been
20 completely resolved.

21 To your knowledge is there any law or
22 regulation which would prohibit the Power
23 Authority or Con Edison from passing on any money
24 that it devotes for this purpose, passing it on to
25 rate payers?

1 A. To my knowledge, there would
2 certainly be an attempt made by the utilities, Con
3 Ed, to pass it along, and I believe that it's
4 important that that money be paid from the
5 stockholders and not the rate payers.

6 Q. Would there be any intervention in
7 Westchester County in a rate increase case to
8 assure that the monies devoted for this purpose,
9 if any, would not be passed on to the rate payers?

10 MR. CZAJA: Judge, I am reluctant to
11 object, but I really think this is beyond the
12 scope of the witness' direct testimony.

13 JUDGE GLEASON: Well, she is, I guess,
14 trying to explore the basis for his statements. I
15 will let her go ahead.

16 A. As to intervention in rate cases,
17 other than for just the -- just hearing ourselves
18 say we are intervening, the main question is could
19 we achieve anything by that intervention, and I
20 would look at any rate case carefully, and if I
21 thought the interests of the people of Westchester
22 would be aided by an intervention I would not
23 hesitate to ask the board of legislators to do
24 that.

25 JUDGE GLEASON: I think, Mr. O'Rourke,

1 if I might, Ms. Posner --

2 MS. POSNER: Yes, of course.

3 JUDGE GLEASON: I think that her
4 question was that inasmuch as you made the point
5 that you have asked the licensees to make
6 additional monies available, if, in fact, that
7 occurred, for the purposes that you have asked,
8 and the licensees went before the state Public
9 Utilities Commission asking for a rate increase to
10 pass those costs through, would you pose an
11 objection to that application?

12 THE WITNESS: I think we would
13 certainly object, Mr. Chairman. As I said to the
14 questioner, the real point in my mind would be
15 what the efficacy of that challenge would be, and
16 I would look at it very carefully, and if I
17 thought it would be some help I would not hesitate
18 to ask the Board, which is the only group that can
19 start a lawsuit in Westchester County, for
20 permission to allow us to intervene.

21 Q. Mr. O'Rourke, how could you determine
22 in advance the efficacy of your intervention?

23 A. I couldn't.

24 Q. The second topic I would like to
25 explore is the transportation study, and the send

1 the children home early plan, early dismissal plan.

2 According to your testimony on page 2
3 the exigencies of the transportation study is
4 lessened by the revision of what we can call the
5 early dismissal plan. Is it your understanding
6 that all the children in the ten mile EPZ are
7 bussed to and from school on an ordinary basis?

8 A. No.

9 Q. So then it is your understanding that
10 some of the children in the EPZ are not bussed to
11 school?

12 A. Yes.

13 Q. Then it would not surprise you to
14 learn that, for example, in the Croton Harmon
15 School District less than half the children are
16 bussed to a from school on a regular basis?

17 A. I am neither surprised nor not
18 surprised. I take your word for it if you say that
19 is the fact.

20 Q. Testimony has been presented to that
21 effect, that better than half the children are
22 bussed on a regular basis in that particular
23 school district.

24 Would it surprise you to learn that
25 that percentage of school children in the Croton

1 Harmon School District are bussed in a in two
2 waves, each bus is used twice for the children in
3 the Croton Harmon School District?

4 A. Again, it would neither surprise me
5 nor not surprise me. If you are telling me that
6 there is testimony to that effect, that's what the
7 testimony was.

8 Q. As far as dismissing the children
9 early is concerned, is it the plan that only the
10 children who are ordinarily bussed to and from
11 school would be bussed in the case of an alert at
12 Indian Point?

13 A. It is my understanding that each
14 school has an early dismissal plan that
15 encompasses all of their students. And that plan
16 comes into play, for example, if the boiler breaks
17 down, or there is indication of a heavy snowfall,
18 or other things of similar nature. The schools are,
19 under that early dismissal plan, to send the
20 children home. Some of them will use busses, and
21 some will not.

22 Q. I think we have had testimony in this
23 hearing to the effect that the early dismissal
24 plan is generally the ordinary go home plan, but
25 earlier in the day, and that therefore the

1 children who ordinarily walk home or have their
2 own cars would go home in their usual way.

3 Would that be similar to your
4 understanding of what the situation is?

5 A. My understanding is that the school
6 have a very specific plan that involves contacting
7 people and assuring that there is somebody there
8 to receive the children.

9 Q. There was testimony from Mrs. Dowdy,
10 who is a member of the Croton Harmon School Board,
11 to the effect that only for the children in the
12 elementary school would a phone call be made to
13 determine whether or not a parent is home.

14 Do you think that dealing only with
15 the elementary school children, or the younger
16 children, would be adequate in the face of a
17 radiological emergency?

18 A. No.

19 Q. If there should be a contact, an
20 adult, who is expecting or responsible for every
21 child in the school district, wouldn't that put a
22 burden on the telephone system in the EPZ?

23 A. I assume that it would put some
24 additional amount of calls across the lines, yes.

25 Q. Will the driver's be instructed to

1 leave the children, the bus drivers be instructed
2 to leave the children, at their ordinary bus stops,
3 or to make sure that each child has an adult
4 waiting for him?

5 A. Well, you are dealing with the actual
6 early dismissal plan, and I don't pretend to be a
7 expert of time on that. That should be directed to
8 individual school district.

9 I did meet with the school officials,
10 and on that basis of what they told me am
11 satisfied that proper steps are taken in each case
12 to assure either there is somebody there to accept
13 them, or that there is a place for them to go in
14 the case of a regular early dismissal.

15 Q. At what point would the decision to
16 send the children home be made?

17 A. It is a decision that I would make
18 faced with the particular circumstances of an
19 event, and I can't tell you when that decision
20 would be made, but my reaction would be to make
21 that decision early on in the event of a real
22 emergency situation.

23 Q. Your testimony, I believe, stated
24 that you would consider sending the children home
25 at the alert stage. That's on page 2 at the end of

1 the second full paragraph.

2 Is there any way of knowing the
3 amount of time that will elapse between the
4 declaration of an alert and the declaration of a
5 on site emergency?

6 A. No.

7 Q. Is it possible that a scenario of an
8 accident at Indian Point could develop so rapidly
9 that there would not be time to send the children
10 home first?

11 A. I assume so.

12 Q. Can you estimate the time lapse
13 between the declaration of an alert on a on site
14 emergency and the notification of school personnel?

15 MS. VETERE: Could you rephrase the
16 question, please?

17 Q. Do you have an estimate of how long
18 it will take, once an alert is declared, what time
19 would elapse between the declaration of an alert
20 and notification of school personnel?

21 A. The one is not necessarily contingent
22 on the other.

23 Q. Well, do you have any idea how long
24 it would take you to be notified of an alert for
25 you to go through your decision making process,

1 and for you to then notify the school personnel?

2 A. No.

3 Q. Do you have any estimate based on the
4 drill, the exercise of March 9?

5 A. About what?

6 Q. About how long it took after
7 notification of the alert until notification of
8 the school personnel?

9 A. Well, my best recollection is that
10 from the time that I made the decision to send the
11 school children home it was about three minutes
12 before I talked to somebody representing the
13 schools, and told them that it was my decision
14 some have the school children go home.

15 Q. So from the time you decided it was
16 very short.

17 Who did you notify?

18 A. Oh, I don't remember the chap's name.
19 Who ever was in the EOC representing the school
20 districts.

21 Q. And then it was that person's
22 responsibility to notify a chain?

23 A. That's recollection, yes, my belief.

24 Q. If the situation were developing
25 rapidly at Indian Point, at what point would you

1 reverse the decision to send children home?

2 A. I don't understand the question.

3 JUDGE GLEASON: I don't understand it
4 either, Ms. Posner.

5 Q. If an alert had been declared at
6 Indian Point, and you were making your
7 deliberations that children should be sent home,
8 and you came to that decision, and began the
9 notification process for sending children home,
10 and then, while the schools were being notified,
11 and parents were being notified, and that whole
12 procedure was being followed through on, the
13 emergency was declared and on site emergency, is
14 there any contingency in the early dismissal plan
15 for you to reverse the decision, and to realert
16 the schools not to send the children home?

17 A. If I understand your question
18 correctly, you are asking me is there any part of
19 the present plan that would take into account that
20 type of scenario?

21 Q. A rapidly developing accident, yes.

22 A. I don't believe there is.

23 Q. So that at this point it's uncertain
24 whether early -- early dismissal refers to all
25 scenarios or does not refer to all scenarios of an

1 accident at Indian Point?

2 A. Well, when you talk about all
3 scenarios I can't answer a question because you
4 are dealing with too many possible scenarios for
5 me possibly to envision.

6 My feeling is the early dismissal is
7 the best way to handle the problem of getting the
8 children out of the schools and either reuniting
9 them with their family or other people that have a
10 very personal interest in them.

11 But as to all scenarios, I couldn't
12 answer the question as posed.

13 Q. In what context was the early
14 dismissal concept endorsed by the Westchester
15 Board and Chief School Officers Association. Did
16 they pass a resolution?

17 A. I don't know. You would have to ask
18 them.

19 Q. You testified that they endorsed it?

20 A. Yes. But you are asking me if I have
21 seen a resolution. I haven't. I believe they have
22 endorsed it.

23 Q. You believe they have endorsed it?

24 A. Yes.

25 JUDGE GLEASON: Could I ask a

1 question?

2 What is the basis for that belief?

3 THE WITNESS: I was told that.

4 JUDGE GLEASON: By whom?

5 THE WITNESS: I believe some member
6 of my staff, Mr. Chairman.

7 JUDGE GLEASON: The member of your
8 staff was informed, according to your belief, by
9 someone from the school administration.

10 THE WITNESS: That's correct.

11 JUDGE GLEASON: You don't know who
12 that member of your staff was?

13 THE WITNESS: I have no present
14 recollection. If it is important I can furnish
15 that information.

16 JUDGE GLEASON: I think it is
17 important to this extent. You have a plan that is
18 identified very much with you, which has been
19 received, and is receiving, according to the
20 testimony of state witnesses who were before the
21 Board yesterday, a general degree of approbation
22 and approval, which is apparently going to be
23 implemented, and I use the word apparently because
24 that's the way I think the testimony was, statewide,
25 certainly going to be utilized in the EPZ of the

1 Indian Point facilities.

2 And there has been testimony before
3 this Board of a degree of apprehension among some
4 parents and teachers as to the efficacy of this
5 method of handling school children. So therefore
6 it becomes a relevant consideration as to what
7 factual basis this plan stand on. And one of those
8 facts or bases has to be the degree of support,
9 the standing behind that plan, among the school
10 officials. That is why I have asked the question.

11 THE WITNESS: We will be glad to
12 provide copies of any letters or resolution that
13 are in our possession from the school districts
14 supportive of the plan.

15 JUDGE GLEASON: But if you have no
16 such letters, then what?

17 THE WITNESS: I will be glad to
18 inform the Board of that fact.

19 JUDGE GLEASON: Would those letters
20 then be the kind of endorsement that you would
21 anticipate would be necessary for this plan to be
22 implemented?

23 THE WITNESS: No. The plan was
24 implemented during the test with the approbation
25 of the school districts, and therefore I assume it

1 is a functioning part of our plan.

2 If we achieved the status of getting
3 letters or resolutions favorable to it, I think
4 that would be good, but it doesn't go to the fact
5 that we have changed the plan in this matter, and
6 that we did the test as though that were in place,
7 and it seemed to function correctly.

8 JUDGE GLEASON: Well, there wasn't an
9 actual demonstration of children going home from
10 school, was there?

11 THE WITNESS: I certainly hope not. It
12 was just a test to make sure we could send out the
13 appropriate signal, and have it received, and do
14 the logistical work necessary, but not actually
15 send anyone home.

16 JUDGE GLEASON: Would you say that an
17 actual demonstration of some children going home
18 under a kind of a drill exercise would be a better
19 test than not having any children go whom.

20 THE WITNESS: I don't believe so, Mr.
21 Chairman, because I believe that at many times
22 during the year the early dismissal plan is put
23 into effect.

24 JUDGE GLEASON: That's not the
25 testimony before this Board.

1 THE WITNESS: Well, then the plan is
2 in effect, and it could be implemented. I don't
3 believe that sending school children home would do
4 anything but send school children home. If we have
5 an emergency arise, I believe this plan will work.

6 JUDGE GLEASON: Well, it's nice to
7 have your belief. But what we are dealing with is
8 trying to see what the substance of that plan is,
9 and what the basis is which is underlying those
10 recommendations.

11 We asked the state witnesses this
12 question yesterday about children going home. They
13 indicated that the actual exercise of children
14 going home would be much better than what they had.

15 THE WITNESS: Well, that's their
16 opinion. And if it were the direction that we do
17 that, we would do it.

18 JUDGE GLEASON: Where is that
19 direction supposed to come from?

20 THE WITNESS: Well, possibly it could
21 come from the state, that they would ask us the
22 next time we had a drill to actually send one
23 school home. That's a possibility.

24 JUDGE GLEASON: Was it your judgment
25 not to do that this exercise?

1 THE WITNESS: No. I don't believe it
2 was ever the intention of this drill to go beyond
3 the drill phase of putting the people together to
4 set the plan in operation without having it go
5 beyond the planning stage, into the actual
6 operation end of it.

7 JUDGE GLEASON: Thank you.

8 Q. Mr. O'Rourke, you mentioned in
9 response to one of Judge Gleason's questions that
10 the drill tested some logistics of the school plan.
11 Could you describe what logistics were actually
12 tested?

13 A. I believe it was the contacting of
14 the schools.

15 Q. Was there any contacting or
16 mobilizing of the bus drivers?

17 A. To take school children home?

18 Q. Yes.

19 A. I don't know.

20 Q. Was there any test or exercise of the
21 communications system to the parents?

22 A. I don't believe so.

23 Q. Do you believe that a test of such a
24 communication system would be advisable?

25 A. Well, my personal view is no. I take

1 it the state might look differently at it.

2 Q. I would like to ask you some
3 questions about the information on which the early
4 dismissal plan is based.

5 Do you know how many of the children
6 within the emergency planning zone have an adult
7 at home during the school day?

8 A. No.

9 Q. Do you know how many children live
10 inside the EPZ and attend school outside the EPZ?

11 A. Live inside? No. I don't know that.

12 Q. Do you know how long it actually
13 takes to locate by phone a responsible adult for
14 each child attending school within the EPZ?

15 A. No.

16 Q. Do you think that a study of the
17 demographics of working parents, for example,
18 within the EPZ should be conducted before this
19 plan is implemented?

20 MS. VETERE: Objection, Your Honor.
21 Mr. O'Rourke has testified that he has got his
22 information from the school districts, and he is
23 relying on that information.

24 JUDGE GLEASON: Well, I think that
25 she is entitled to explore the basis of Mr.

1 O'Rourke's judgment that this is an effective or
2 more effective method of handling the school
3 children. The objection is denied.

4 A. As to the demographics, would a study
5 be efficacious? I don't know.

6 Q. Were you aware, when you made the
7 announcement of the early dismissal plan, that
8 residents within the EPZ and Westchester County,
9 had in their possession a copy of the emergency
10 planning booklet, the Indian Point Emergency
11 Planning and You, which which advises parents not
12 to drive to school to pick up their children
13 because their children will be bussed to reception
14 centers?

15 A. Yes.

16 Q. To your knowledge, has that brochure
17 been revised to incorporate the early dismissal
18 plan?

19 A. I can't answer that. I assume it
20 would be in the future.

21 Q. And so you don't know whether or not
22 a new brochure has, in fact, been distributed?

23 A. No.

24 Q. You don't know?

25 A. No.

1 Q. You state on page 2 that the early
2 dismissal concept will lessen the psychological
3 stress problems related to the separation of
4 parents and children, and will also lessen
5 anticipated traffic flow problems that would be
6 created by parents going to the schools to pick up
7 their children.

8 If it is true, assuming it is true,
9 that approximately half of the children within the
10 EPZ are bussed to school and back on a normal
11 basis, and that that leaves half of the children
12 who are not normally bussed, do you anticipate
13 that that half, the parents of children who are
14 not normally bussed, would go to school to try to
15 pick up their children in that event, if they
16 could?

17 MS. VETERE: Objection to the form of
18 the question.

19 JUDGE GLEASON: I think you had
20 better un-complicate that question.

21 Q. Assuming that 50 percent of the
22 children in the EPZ are not bussed to school, and
23 normally walk or have other transportation
24 arrangements, does that indicate to you that
25 the parent of the children who are not bussed to

1 school would have an impulse to go to school to
2 pick up their children, rather than to have them
3 walk into a potentially dangerous situation?

4 A. I couldn't possibly answer the
5 question.

6 JUDGE GLEASON: Why couldn't you
7 answer the question?

8 THE WITNESS: Because we are talking
9 about whether they would have an impulse. I
10 couldn't answer that question.

11 Q. If I told you we have had testimony
12 in this hearing that parents would have an impulse
13 to go and pick up their children if they possibly
14 can, would you accept that expert testimony as
15 true?

16 A. I would neither accept it or reject
17 it. I take it as it is presented, at that value.

18 Q. Do you anticipate any difficulties
19 for parents who are coming back, returning into
20 the EPZ, to reunite with their children, any
21 traffic problems?

22 A. I assume there will be difficulties
23 on the part of everyone connected with an
24 emergency.

25 Q. Was there any survey taken, or any

1 study done, or any poll taken, of parents to
2 determine their feelings about the early dismissal
3 plan?

4 A. I have no knowledge of any.

5 Q. Well, I would like to turn your
6 attention to page 4 of your testimony, where you
7 talk about an Executive Work Sessions Group has
8 been established to resolve the remaining problems.

9 Could you please tell me if this is
10 the task force, or committee, that is going to be
11 dealing with the early dismissal plan, or any --
12 is this task force going to be concerned with the
13 early dismissal plan?

14 A. No.

15 Q. Is there any committee that has been
16 set up, to your knowledge, to work out the details
17 of the early dismissal plan?

18 A. Not to my knowledge.

19 Q. Are you familiar with a document
20 called the Suffolk County Radiological Emergency
21 Response Plan, particularly volume 3, dated
22 November --

23 MS. VETERE: I object as irrelevant,
24 Your Honor.

25 JUDGE GLEASON: I don't know whether

1 it's irrelevant, relevant, or not.

2 MS. VETERE: It's clearly beyond his
3 direct testimony.

4 JUDGE GLEASON: I don't know whether
5 it is or not.

6 A. No.

7 Q. You are not familiar with it?

8 A. That's what I said.

9 Q. I would like to refresh your
10 recollection, Mr. O'Rourke.

11 Were you at a meeting with several
12 members from the Alliance for Closing Indian Point
13 in your office, at which we give you a copy of
14 this document, volume 3?

15 A. Yes.

16 Q. But you didn't read it?

17 A. I haven't had a chance yet. It's on
18 my night table.

19 Q. All right.

20 MS. POSNER: This document has
21 been placed into evidence, I believe, along with
22 the testimony of Mr. Ericson, on which much of his
23 testimony was based, as being the most recent and
24 reliable information on what people would do in
25 case of a radiological emergency.

1 MS. VETERE: I object to counsel
2 testifying.

3 JUDGE GLEASON: She is addressing a
4 question to the chairman of the board. Is that
5 testimony?

6 MS. VETERE: Well, she is testifying
7 that this is.

8 JUDGE GLEASON: She was describing it
9 as as being offered with that kind of adjectives
10 surrounding it. That's the way I took her efforts
11 to be.

12 Was that offered by the consolidated
13 intervenors

14 MS. POSNER: It was an exhibit to Kye
15 Ericson's testimony.

16 MR. Hassell: It is my recollection
17 that we had extensive argument on that, and that
18 the document was not received as evidence.

19 My recollection is that it was not
20 admitted for the truth of the matter asserted in
21 the document.

22 JUDGE GLEASON: Do you know what
23 number it was marked?

24 MS. POSNER: It was not marked as an
25 exhibit, as one of our exhibits, it was an

1 exhibits to Kye Ericson.

2 MS. POTTERFIELD: Judge Gleason, my
3 recollection is that Mr. Hassell is right. It was
4 committed to show the basis for Dr. Ericson's
5 supplemental testimony, which relied on the study.

6 JUDGE GLEASON: Well, you can ask a
7 question from that, but you have to be careful the
8 way you pose the question.

9 Q. I would like to talk about the
10 transportation component of the plan back on page
11 2, where you tell us that negotiations are still
12 under way but not complete for the funding of the
13 transportation study.

14 I would like to know if directions to
15 this -- well, first let me ask you this. Is the
16 Executive Work Sessions Group going to be dealing
17 with the transportation element of the emergency
18 response plan?

19 A. Well, if it should come to that group
20 for some decision. But at the present time various
21 staff people are working on that transportation
22 problem.

23 Q. Would you describe to me, then, a
24 little more fully the commission or role of the
25 Executive Work Sessions Group?

1 A. Well, it's just an informal group to
2 try and iron out some of the difficulties. For
3 example, we met with the State of New York and
4 were able to wring from them a promise to train
5 all of the police forces within the ten mile
6 radius.

7 That group also has had met with the
8 utilities in order to get them to pay for certain
9 training and equipment.

10 And it meets basically on issues like
11 that. Is isn't a duly constituted group of any
12 sort. It's just an attempt to get to the main
13 issues and try to resolve them.

14 Q. So they have not been given any
15 formal authorization or mission to develop any
16 plan regarding transportation?

17 A. That's correct.

18 Q. Well, could you describe to us, then,
19 a little bit more about the negotiations for a
20 transportation study?

21 A. Well, I am not involved in them,
22 except that I have directed that our
23 Transportation Department, along with somebody
24 from the executive office, would meet and bring
25 this to a resolution, and come back to me, and

1 they haven't come back to me, so I know that they
2 are still negotiating.

3 Q. Will the transportation study in any
4 way incorporate an assumption about who will be
5 moved and who will be moving themselves during an
6 emergency, a radiological emergency?

7 A. I can't answer that because the
8 negotiations are still under way as to the scope
9 and mission of that study.

10 Q. Is the county government or the
11 professional agency that will be engaged to do
12 this study open to suggestions from the public
13 that serious attention be paid to the probable or
14 possible human response of self evacuation?

15 Are you familiar with the term self
16 evacuation?

17 A. Well, I take it that means getting
18 yourself out of the area without other assistance.
19 Is that right?

20 Q. Right. And if it meant getting
21 yourself out of the area whether, or not you were
22 advised by government to do so, would that be fair
23 to add to the definition of the term? Self
24 evacuation, can we accept a definition of self
25 evacuation that means getting yourself out of the

1 area the best way you can, whether or not you have
2 been formally advised by the government to do so?

3 A. I think you could accept any number
4 of variations. There may be a technical term
5 involved here, and I think --

6 JUDGE GLEASON: Ms. Posner, I am
7 having difficulty figuring on just what you are
8 trying to obtain from Mr. O'Rourke. If my
9 understanding is accurate you are trying to ask
10 him whether this transportation study would
11 include looking at the possibility that people
12 will not do what they are supposed to do in an
13 evacuation. Isn't that really what your question
14 is?

15 MS. POSNER: Yes.

16 JUDGE GLEASON: Mr. O'Rourke, that
17 will be the question. Would the study be broad
18 enough to look at what does the emergency plan do
19 in that eventuality? Would that be one of the
20 things the study would look at?

21 THE WITNESS: Mr. Chairman, I don't
22 know if the study would encompass what would
23 happen if people decide to do something on their
24 own.

25 I believe the study is directed to

1 what resources are available, and how to use those
2 resources to accomplish the goal that the plan,
3 itself, sets forth.

4 Q. Would it not be advisable to do a
5 study of the residents of Westchester County to
6 determine what, in fact, they would do in case of
7 a radiological emergency at Indian Point, and
8 given various variants?

9 In other words, would it not be
10 advisable to do a study along the lines of the
11 Suffolk County Radiological Emergency Response
12 Plan studies to give a more or less accurate
13 picture of the probable response of people in
14 Westchester County, and not just within the ten
15 mile EPZ?

16 MR. CZAJA: I am going to object to
17 the form of that question.

18 JUDGE GLEASON: Objection denied.
19 It's a perfectly good question.

20 A. I think any amount of information
21 that you can obtain is helpful.

22 Q. Is there any plan at this point to do
23 a study of the probable response of the population
24 of Westchester County?

25 A. Not that I know of.

1 Q. Would you recommend such a study?

2 A. Would I recommend it?

3 Q. Yes.

4 A. No, but I would be glad to have the
5 results of one if somebody wanted to run it for me.

6 Q. You have listed in your testimony
7 several unresolved problems with the Westchester
8 County Radiological Emergency Response Plan as it
9 stands today, including training, equipment,
10 transportation element, and the unresolved, or as
11 yet uncompleted, early dismissal plan.

12 Q. Could you give us any dates or time
13 schedule as to when these problems will be
14 resolved?

15 A. No.

16 Q. Could you give us any estimate of the
17 amount of money that will be involved in
18 completing or revising the plans?

19 A. No.

20 Q. On the bottom of page 4 you inform us
21 that a number of school districts designated as
22 reception centers under the plan officially
23 withdrew from the plan. Do you know how many
24 reception centers are now in place?

25 A. No.

1 Q. Are there any public members, or
2 members of the public involved in the Executive
3 Work Sessions Group?

4 A. No.

5 Q. Do you believe that the fact that the
6 position, looking now at page 5 of your testimony,
7 that the coordinator for Indian Point affairs --
8 when we are talking about the coordinator for
9 Indian Point affairs in Westchester County, my
10 question is do you believe that the fact that this
11 position is funded by the utilities will
12 compromise this individual's ability to deal
13 fairly with the concerns of the public?

14 A. No.

15 JUDGE GLEASON: May I ask a question
16 here?

17 If my recollection is correct, and in
18 these hearing, sometimes it isn't --

19 MR. THORSEN: I'm sorry, I didn't get
20 that.

21 JUDGE GLEASON: If my recollection is
22 correct, and in these hearings sometimes it isn't,
23 that's twice we got that on the record, I think I
24 recall that this coordinator position has been
25 funded for some time by the licensees. Is that

1 correct?

2 THE WITNESS: This is a new position.
3 There was a position, my recollection is, of a
4 person for the four counties involved, that has
5 been on board for some time.

6 This is another position. We are in
7 the process of coming up with the job
8 specifications, we are looking for a very highly
9 qualified person to fill that job, to serve as a
10 liaison, and to get us answers to questions that
11 otherwise would take us much more time to achieve
12 than if we had somebody that could go to the
13 source.

14 JUDGE GLEASON: And is the other
15 position that dealt with coordinating the four
16 counties involved still being funded?

17 THE WITNESS: Yes.

18 JUDGE GLEASON: Thank you. Go ahead,
19 Ms. Posner.

20 Q. On page 2 of the additional testimony
21 that was submitted this morning you mention the
22 role that the National Guard may be called on to
23 perform.

24 Could you tell us what the experience
25 of the National Guard was, or the reports made by

1 the National Guard coordinator in the March 9
2 exercise?

3 A. I don't understand.

4 Q. Did the National Guard take part in
5 the March 9 exercise?

6 A. There was a representative in the
7 National Guard present in the EOC during the
8 exercise.

9 Q. And what role did he play?

10 A. Well, I had at least one or two
11 conversations with him. It was a major, I don't
12 remember his name.

13 I asked him what would be the ability
14 of the National Guard to produce forces for us,
15 what would be the time constraints, and also who
16 would pay for them. Other than that, I don't
17 believe he did any other functions.

18 Q. What were the answers to your
19 questions?

20 A. I asked him if they would be
21 available, and he told me that he would have to be
22 put on an alert status first. That is been
23 incorporated into my test.

24 I asked him if these troops would be
25 trained in radiological preparedness, and his

1 answer was that he didn't know but would find out
2 for me, and I haven't found that out yet.

3 And I asked him who would pay for it,
4 and he indicated that if we called in the troops
5 we would pay for them, but you could phrase it
6 correctly so the Governor would call it in and he
7 would pay for them.

8 JUDGE GLEASON: I don't think you
9 have authority to call in National Guard troops.

10 THE WITNESS: We don't, Mr. Chairman.
11 We can only request it.

12 Q. What was the answer to your question
13 about how many would be available?

14 A. Well, we were dealing with a drill,
15 and he was not in a position to tell me how many
16 would be put on alert status because none were on
17 alert status.

18 Q. Excuse me?

19 A. None were on alert status.

20 Q. On the top of page 2 you mention that
21 the National Guard might be called upon to perform
22 the bus driving functions.

23 To what extent has this idea been
24 incorporated in the plan so far?

25 In other words, let me ask it a

1 second way. Have any National Guardsmen been
2 trained in driving busses? Will these be National
3 Guardsmen who are familiar and trained and
4 licensed to drive busses?

5 A. I would assume that if the National
6 Guard is incorporated into the plan that some
7 provision would be made for training their troops
8 in driving busses. I don't believe that is being
9 done at the present time.

10 Another thing about the National
11 Guard, you have to realize that many of these men
12 and women who serve in our National Guard also are
13 policemen, firemen, medics, and so on. And so you
14 may be calling people that are needed for other
15 functions. To that end you may be taking personnel
16 from one pool and putting them into another.

17 Q. Do you know how many National
18 Guardsmen are residents of Westchester County?

19 A. No.

20 Q. Do you know how many National
21 Guardsmen there are in the State of New York?

22 A. No.

23 Q. So at this point the plan for using
24 National Guardsmen, in fact, is not in place?

25 A. I don't believe that that is -- that

1 has been discussed. I believe the state offered us
2 that if we needed National Guardsmen they would be
3 made available. I don't think there is anything
4 other than that in the plan.

5 Q. So to the extent of having identified
6 Guardsmen who are licensed to drive busses,
7 familiar with the evacuation routes, familiar with
8 the bus garages, and with arrangements made to get
9 keys to the bus drivers or National Guardsmen from
10 the operators, those sorts of details have not yet
11 been put in place.

12 MR. CZAJA: Object to the form of
13 that question.

14 JUDGE GLEASON: I think it's a fair
15 question.

16 A. I couldn't possibly answer that. I
17 don't know whether that's been put in place or not.

18 Q. Are there any contracts with bus
19 operators to allow the use of National Guardsmen
20 to operate their busses?

21 A. Not that I know of.

22 MS. POSNER: That's all I have.

23 JUDGE GLEASON: Thank you.

24 There is still about 15 minutes. Do
25 you want to use that time?

1 MS. POTTERFIELD: Yes. Thank you,
2 Your Honor.

3 CROSS EXAMINATION

4 BY MS. POTTERFIELD:

5 Q. Mr. O'Rourke, you can't see me, can
6 you?

7 A. Yes, I believe so. That's all right.

8 Q. I can't see you.

9 A. All right.

10 Q. Mr. O'Rourke, my name is Amanda
11 Potterfield. I represent the New York Public
12 Interest Research Group, which is an intervenor in
13 this proceeding.

14 I want to ask you first about your
15 testimony that the early dismissal plan for the
16 protection of school children in the event of an
17 accident at Indian Point has been accepted by
18 school districts.

19 I wonder if you will tell us what
20 representatives of what school districts were
21 present at the meeting you testified about?

22 A. I really can't recall the names or
23 the school districts, but we met with them, and
24 they were in agreement.

25 Q. They were --

1 A. In agreement.

2 Q. How did they express their agreement
3 to you?

4 A. They said they would go along with
5 the early dismissal.

6 Q. Did you take a vote?

7 A. Not that I recall.

8 Q. Well, how many people were there at
9 the meeting?

10 A. Maybe a dozen.

11 Q. When you say in a during the drill
12 that the early dismissal plan was implemented with
13 the approbation of school officials, what do you
14 mean by approbation?

15 A. I told them we will evacuate the
16 school children, and they said okay, and they went
17 off to do it.

18 Q. And they just pretended that the kids
19 had gone home. Is that right?

20 A. I believe that they set into effect
21 telephone calls to various school districts.

22 Q. But as far as the exercise went, it
23 went to a telephone call in the principal's office
24 saying, "Pretend that the kids have gone home."

25 A. That's right.

1 Q. So when you say it was with their
2 approbation you mean they accepted a telephone
3 call that said, "Pretend the kids went home."?

4 A. No. I mean they accepted the plan and
5 implemented it to the stage of making the
6 telephone calls but not to the stage of sending
7 the children home.

8 Q. Are you keeping abreast of the
9 testimony that is before the Board on this issue?

10 A. I do my best.

11 Q. Were you read or been told but the
12 testimony of the office of the Croton Harmon
13 School District?

14 A. No.

15 Q. Harrison?

16 A. No.

17 Q. Do you know whether or not those
18 districts were represented at the meeting?

19 A. I have no recollection.

20 Q. How many school districts are there
21 in Westchester County within the EPZ?

22 A. I don't have that figure available.

23 Q. So you don't know how many school
24 districts were represented at the meeting and how
25 many, in fact, approve of your plan. Is that right?

1 A. Well, it's my understanding that the
2 plan was accepted by the school districts that are
3 involved in the ten mile radius.

4 Q. And it's the basis for that
5 understanding that I am trying to get to. What is
6 the basis for that understanding?

7 A. A meeting that we had with the school
8 officials, and various reports have been made to
9 me by the staff.

10 Q. So we are strictly talking about the
11 one meeting with a dozen people, and you don't
12 know what school districts were represented?

13 A. That's true. I would be glad to
14 provide you with the names of the people present,
15 if that would be helpful.

16 Q. That would be helpful. Would you also
17 tell me what reports are from the Putnam Northern
18 Westchester Chief School Officers. What other
19 reports from your staff have led you to believe
20 that the school districts are in favor of this
21 plan?

22 A. Well, I was told by them --

23 Q. By whom?

24 A. Various members of my staff, that the
25 other counties were going along with the early

1 dismissal program.

2 Q. I am talking now about Westchester
3 say school districts within the EPZ.

4 A. I can't give you anything concrete,
5 except to tell you we spent an awful lot of time
6 working on this matter, and that I have been
7 informed from time to time by members of my staff
8 that the school plan is in place, and ready to
9 function.

10 You have to understand that we not
11 only had the drill, but we also had various
12 partial drills before that, and that going through
13 the school early evacuation, or early dismissal
14 phase, was part of each and every one of those,
15 and various staff members would have been
16 reporting to me at those mini drills.

17 Q. But you have never tested anything on
18 that plan beyond the call to the school principals
19 saying, "Pretend the kids have gone home."

20 MR. HASSELL: Objection.

21 MS. POTTERFIELD: I have just heard
22 additional testimony--

23 JUDGE GLEASON: Let him answer.

24 A. Would you repeat the question?.

25 Q. You have never tested anything on the

1 plan beyond a call to the school principals saying,
2 "Pretend that the kids had gone home," have you?

3 A. I didn't make that telephone call.

4 Q. I am aware that you, yourself, didn't
5 do it. But nothing else had been done to test that
6 plan except that. Is that right?

7 A. I told a representative of the school
8 district, who was present at the EOC, to evacuate
9 the children.

10 Q. And that's all you know about it?

11 A. Well, other than I know how the plan
12 operates, the same as in effect.

13 Q. That's all you know about how it was
14 tested, is your statement to someone to call the
15 schools?

16 A. That's correct.

17 JUDGE GLEASON: I would like to ask a
18 question.

19 MS. POTTERFIELD: I am about finished.

20 JUDGE GLEASON: I just want to ask a
21 question. You have more time.

22 If I understood what you just said,
23 that really your role was to communicate to the
24 person in the EOC that was in charge of talking to
25 the schools, but was it your understanding at that

1 time that there would be no actual release of any
2 students anywhere to test that?

3 THE WITNESS: That's correct, Mr.
4 Chairman.

5 JUDGE GLEASON: Go ahead.

6 Q. Now, I understand from page 1 of your
7 original testimony, in which you say that it is
8 the Westchester County officials who are the
9 experts on details of the problems affecting the
10 protective response.

11 My question is whether or not you
12 would consider the officials of the school
13 districts experts as far as the implementability
14 of the early dismissal plan?

15 A. Yes.

16 Q. And if those experts told you that
17 they had not used the early dismissal plan, that
18 is admittedly on the books, for seven or eight
19 years because it is their belief that it is
20 unworkable, would that change your opinion about
21 the advisability of that plan?

22 A. No.

23 Q. So even if the experts told you in
24 their opinion the plan would not work, it wouldn't
25 change your opinion that the plan would work. Have

1 I understood you?

2 A. I am not sure I understood you.

3 Q. Let's go back. Let me give you
4 another shot at it.

5 I understand that you accepted that
6 the officials of school districts are the experts
7 in determining whether or not the early dismissal
8 plan would work. Is that your testimony?

9 A. I would accept their opinion.

10 Q. Are they the experts?

11 A. Oh, I don't know. Each one I presume
12 we would have to talk to and qualify as an expert,
13 and find out what their expertise is, et cetera.
14 But in general I would say people connected with
15 the school system should know how it operates.

16 Q. They know more about the early
17 dismissal plan than anybody. Don't they?

18 A. It's possible.

19 Q. Likely that they know more about it
20 than anybody else. Isn't it, Mr. O'Rourke?

21 A. Well, I don't know. "Than anybody"
22 presents such a wide area of competency that I
23 couldn't possibly envision all the people you
24 might possibly consider.

25 Q. If these officials of the school

1 districts told you they had not used the early
2 dismissal plan for seven or eight years because it
3 is their belief it would not work, would that
4 change your opinion?

5 MR. CZAJA: I object to the form. I
6 think the witness indicated the question is not
7 capable of being answered with this vague "they."

8 JUDGE GLEASON: It's a hypothetical,
9 and he is an expert here in connection with the
10 so-called O'Rourke plan.

11 A. Well, speaking in support of the
12 O'Rourke plan, I would take what somebody told me
13 from a school district very much to heart.

14 If they said they hadn't done it in
15 seven years I would want to know how they know it
16 wouldn't work.

17 My belief is that plan is
18 immeasurably better than the so-called two wave
19 plan that existed before this time. And being
20 generally charged with the health and safety of
21 the people of Westchester County, I was better off
22 to go for an early dismissal plan than for a two
23 wave plan that I had no confidence in.

24 First of all, if I believed a person
25 would be an expert and told me they hadn't done it

1 in seven years, I might want them to do it once so
2 we could get the bugs out.

3 But I do believe that that plan which
4 the chairman has designated by my name, that it is
5 a much preferable plan, a plan much more geared to
6 humanity than the other plan is. And I know that
7 because I asked my wife what she would do if she
8 had her children in a school, and she thought they
9 would going to be subjected to this two wave plan,
10 and she said, "I would go get them." So I thought
11 the best --

12 Q. The testimony of a single mother has
13 been found to be immaterial. The Board is not
14 interested in what your wife thinks.

15 A. Well, I am.

16 Q. There have been many other witnesses
17 in the testimony who have not been allowed to say
18 that they would go get their children.

19 MR. KAPLAN: That's hearsay.

20 Q. Mr. O'Rourke, let me ask you about
21 your testimony indicating the doubt about the
22 ability to call out bus drivers to enter a
23 potentially contaminated area. What are those
24 doubts?

25 A. Is that a specific page you are

1 referring to?

2 Q. Yes, it is.

3 JUDGE GLEASON: You have about six
4 minutes, Ms. Potterfield.

5 MS. POTTERFIELD: Yes, Your Honor.

6 A. Let me try to answer it, because I
7 don't want to use up all your time.

8 You asked me about the training of
9 bus drivers. At the present time I believe only
10 about two percent have actually received any
11 training at all.

12 Q. My question was whether or not you
13 had been able to resolve some of the doubts I
14 noticed in your testimony about whether or not you
15 would be successful in calling out bus drivers to
16 enter a potentially dangerous area?

17 A. Well, I think until some of them get
18 trained, and we find out really where we are at,
19 we are going to have those doubts.

20 Q. Are you aware of the training
21 schedule for bus drivers?

22 A. No.

23 Q. I understand from your testimony that
24 it is your opinion that the police in Westchester
25 County, all of those who have been made available

1 for training, have been trained. Is that your
2 testimony?

3 A. My understanding is all the police in
4 the ten mile radius have received basic
5 radiological training.

6 JUDGE GLEASON: I think your
7 testimony is all police officers who made
8 themselves available.

9 THE WITNESS: Yes.

10 Q. What is your understanding of the
11 content of the training they are receiving?

12 A. It's the standard state training, I
13 believe, on how to handle radiological situations.

14 Q. Has anybody on your staff, or any of
15 the police officers in Westchester County,
16 indicated to you the value that they place on that
17 training, whether or not they thought it was
18 useful?

19 A. No.

20 Q. Do you have any plans for
21 investigating the usefulness of the training that
22 is being received?

23 A. I would assume that the Commissioner
24 of Public Safety would do that. I wouldn't do it.

25 Q. My question goes to page one of your

1 additional testimony, in which you state in the
2 middle of the page that the state, county, and
3 local governments have succeeded in training all
4 those police officers.

5 And my question to you is whether or
6 not your definition of success and training has
7 anything to do with the content of the course, or
8 just the fact that the police officers have
9 attended the course?

10 A. It is much like succeeding in getting
11 through law school. It doesn't mean anything. You
12 got through the course.

13 Q. So it doesn't mean they are prepared
14 to handle a radiological emergency?

15 A. I wouldn't be in a position to assess
16 that.

17 Q. Now, you testified about your
18 understanding from the State of New York that the
19 National Guard might be made available to you in
20 the event that you needed them to drive busses or
21 for other emergency functions. Is that correct?

22 A. You are referring to someplace in my
23 testimony?

24 JUDGE GLEASON: Page 2.

25 A. Yes.

1 Q. You were given an opportunity to test
2 the ability of the National Guard to call out its
3 members during the March 9 drill, were you not?

4 A. I never had any intention of calling
5 out any National Guardsmen, nor would I unless we
6 had an actual emergency situation.

7 Q. But my question is you were given an
8 opportunity to test the ability of the National
9 Guard to respond. In any event that you did need
10 them, you were given an opportunity to test that
11 capability during the drill?

12 A. Well, my understanding of the March 9
13 drill was that it was a drill. We weren't really
14 going to call the National Guard out, or evacuate
15 school children, or go to the operation 58 phase.

16 Q. Is it your testimony that during the
17 drill Mr. Davidoff or somebody else from the state
18 didn't say to you, "Do you want to call out the
19 National Guard?"

20 A. I have no recollection of anybody
21 offering me the opportunity to call out the
22 National Guard, and I wouldn't have done it unless
23 I was sure it served some purpose to do it.

24 Q. I understand from your testimony, Mr.
25 O'Rourke, that you have identified 3 major areas

1 of concern. Those areas, as I understand your
2 testimony, are training, equipment, and the
3 transportation problem of bus drivers. I am
4 looking now on page 2 of your original testimony.

5 A. Oh. Are you asking me if that's what
6 I said? That's what I said.

7 Q. That is your testimony?

8 A. That's right.

9 Q. Those problems still exist today,
10 don't they?

11 A. Yes.

12 Q. Yet in January of 1983 you took a
13 much stronger stance against the operation of the
14 utility plans than you are taking today. Did you --

15 MR. BRANDENBURG: I object to that,
16 Your Honor. I think that mischaracterizes the
17 witness' testimony.

18 JUDGE GLEASON: Well, she asked if
19 that was what he said?

20 A. I think I took a stronger stand. And
21 I believe that a good deal of work has been done,
22 much by the State of New York, and I haltingly say
23 the utilities, since that statement was made by me.

24 Since then we have been able to train
25 the police within a ten mile radius. We have set

1 up a program to get additional equipment and have
2 received additional equipment. And we have the
3 early dismissal plan. And while I am not overly
4 enthused at having these facilities in Westchester
5 County, I think we have made strides which the
6 state and utilities have helped.

7 Q. So the factors that have changed your
8 opinion somewhat are the training of the police
9 officers, the implementation of the early
10 dismissal plan, and the receipt of additional
11 equipment. Do I understand your testimony?

12 A. Well, I don't know that I have
13 changed. I think I have seen some progress being
14 made.

15 As I said somewhere along the line, I
16 wish both of these facilities were in Maine, as
17 opposed to New York. They are here, and it is my
18 responsibility as County Executive to be concerned
19 with the safety of the people of this county. So I
20 have seen some of these areas addressed. And I
21 believe a certain amount of good will extended by
22 the parties that are involved to help solve these
23 problems.

24 I am not totally satisfied, nor will
25 I be, until I am sure every problem has been

1 addressed and eliminated.

2 Q. So your three areas are being
3 addressed, but they are still in the same state of
4 deficiency as in January. Isn't that true?

5 A. No.

6 Q. Turning to page 3 of your testimony,
7 your testimony is that with respect to the
8 utilities emergency planning brochure it was not
9 distributed before the March 9 drill. The state
10 failed to fulfill its responsibilities of having
11 written contracts for having schools available for
12 emergency reception centers. Where do you draw the
13 line as to what is state responsibility and county
14 responsibility for these?

15 A. Well, I draw the line as close to the
16 state as I can, and as far from the county as I
17 can.

18 Q. What is the basis?

19 A. We are talking about state dollars
20 and county dollars. And I believe that since we
21 are not responsible for the facilities being here,
22 and the state and Federal Government are more
23 responsible, they should bear the burden for
24 making sure the plan works as best as it can.

25 Q. You have had some extensive

1 discussions and working relationship with Mr.
2 Davidoff in the State of New York about this, have
3 you not?

4 A. About what?

5 Q. About the emergency plans?

6 A. Oh, certainly.

7 Q. And are you aware that he has a
8 different attitude toward what is state
9 responsibility and what is county responsibility
10 than you have?

11 A. I am sure he has.

12 MS. POTTERFIELD: I have no more
13 questions.

14 JUDGE GLEASON: Let's take a ten
15 minute break.

16 (There was a short recess.)

17 JUDGE GLEASON: Could we proceed,
18 please.

19 One of my colleagues has remarked
20 that the last bit of cross examination truly was
21 professorial cross examination.

22 Mr. Kaplan?

23 MS. VETERE: I have some redirect.

24 JUDGE GLEASON: Do you want to do it
25 now, or wait until the end?

1 MS. VETERE: I would rather do it
2 now, Your Honor.

3 JUDGE GLEASON: All right.

4 REDIRECT EXAMINATION

5 BY MS. VETERE:

6 Q. Mr. O'Rourke, I would like to talk to
7 you about the so-called O'Rourke early dismissal
8 plan and the approval of that plan by
9 superintendants in Westchester County.

10 In your testimony you state that the
11 concept is endorsed by the Putnam Northern
12 Westchester Chief School Officers Association.

13 JUDGE GLEASON: Excuse me. Would you
14 repeat that question?

15 Q. On page two of your testimony --

16 JUDGE GLEASON: Supplemental
17 testimony?

18 MS. VETERE: No, this is the original
19 testimony.

20 Q. You state that the concept is
21 endorsed by the Putnam Northern Westchester Chief
22 School Officers Association. Are you aware that
23 members of your staff have met with this
24 association prior to their approval of it?

25 A. Yes.

1 Q. When you went public with the early
2 dismissal concept, were there members of the
3 Putnam Northern Westchester Chief School Officers
4 Association there with you?

5 A. Yes.

6 Q. Did they speak publicly in favor of
7 the plan?

8 A. Yes.

9 Q. Was one of the superintendants John
10 Humphrey, of the Ossining School District?

11 A. That's correct.

12 Q. Was another one Charles Ival of the
13 Henderson School District?

14 A. That's correct.

15 Q. And was another one Leon Block of the
16 Lakeland School District?

17 A. That's correct.

18 Q. Was it your understanding at the time
19 that these superintendants represented their
20 association which they belonged to?

21 A. That was the representation made by
22 them to me.

23 Q. After you went public with the early
24 dismissal plan did you receive any objections to
25 the plan from any superintendants, to your

1 knowledge?

2 A. No.

3 Q. Is it possible that there may be some
4 teachers who are not in agreement with the early
5 dismissal proposal?

6 A. It's certainly possible.

7 Q. Would it be possible that these
8 teachers would not have the same opinion as their
9 superintendants?

10 A. That is also possible.

11 Q. So then if teachers testify that they
12 were not satisfied with the early dismissal plan,
13 they would not represent their school district.

14 MS. POTTERFIELD: Objection, judge.
15 He doesn't know that.

16 JUDGE GLEASON: I don't know how he
17 can answer that question. If you want to rephrase
18 it --

19 Q. If a teacher were to voice
20 disapproval of the early dismissal plan, would you
21 consider that person representative of the school
22 district?

23 A. Well, just as I answered one of the
24 attorney's questions before, I would have to look
25 at that person's background and expertise. But it

1 is my understanding that the Northern Westchester
2 Chief School Officers Association has backed the
3 plan, and I know of no reason to change that
4 belief.

5 Q. On cross examination you were asked
6 questions about why you didn't call out the
7 National Guard, and why children were not actually
8 evacuated from the schools.

9 what is your understanding of who is
10 responsible for setting up the drill exercise?

11 A. The state and FEMA.

12 Q. And do you have any input into that?

13 A. No.

14 Q. Going back to the early dismissal
15 concept, is it your understanding that state
16 officials will be testing the efficacy of this
17 proposal?

18 A. That has been reported to me, and I
19 believe it is in the local press that the state is
20 in the process of doing that.

21 Q. Do you know whether the Federal
22 Emergency Management Agency will also be reviewing
23 this proposal?

24 A. I understand they will

25 MS. POSNER: I don't have any further

1 questions at this time.

2 JUDGE GLEASON: Mr. O'Rourke, there
3 is one question Ms. Vetere asked, and your
4 response I have trouble with. She asked the
5 question as to whether you had any input into the
6 emergency drill that was held some weeks ago, and
7 your answer was no.

8 How is it then that the O'Rourke plan
9 was part of that drill?

10 THE WITNESS: Oh. I thought the
11 question was did I have anything to do with
12 whether they called the drill or not.

13 JUDGE GLEASON: Was that your
14 question?

15 MS. VETERE: It was basically in
16 reference to whether to call the National Guard,
17 or if children would actually be moved. It was in
18 that context.

19 THE WITNESS: I might say as to
20 whether the early dismissal plan was incorporated
21 in it, I spoke to Mr. Davidoff at one point after
22 I had first raised that possibility, and asked him
23 if we could incorporate that into the test as part
24 of this year's drill. And having received an
25 affirmative answer from Mr. Davidoff, I assumed we

1 could go ahead and do it, and that was the way the
2 drill was carried out.

3 JUDGE GLEASON: Mr. Kaplan?

4 CROSS EXAMINATION

5 BY MR. KAPLAN:

6 Q. My name is Craig Kaplan, I represent
7 the members of the New York City Council. I don't
8 want to beat dead horse, but the O'Rourke plan,
9 what is the O'Rourke plan? Does it exist on a
10 couple of pieces of paper somewhere?

11 A. Well, first of all, I am not the one
12 that called it the O'Rourke plan.

13 JUDGE GLEASON: I was the one.

14 MR. KAPLAN: It's part of the
15 parlance of this proceeding.

16 Q. Does this exist in any formal
17 document prepared specifically for radiological
18 emergencies?

19 A. I couldn't answer that. I don't know.

20 Q. You haven't seen any formal documents
21 that lay out the steps to be taken?

22 A. No. However, the early dismissal plan
23 exists and has existed in the school system and
24 systems for some time, and all we did was say that
25 instead of going to the two wave approach that we

1 would use the early dismissal plan, keeping alive
2 the ability of having the two wave if things got
3 precipitous, and we had to move very quickly.

4 Q. So the basis is that the county is
5 going to adopt a two plan approach, and at all
6 times there will be existing the two wave option
7 and the O'Rourke option?

8 A. Unless we think of a third, and then
9 we will have a third option. Because I believe
10 that as the manager of this emergency plan I
11 should have as many options open to me as possible,
12 and I don't feel we need to have a Maginot Line
13 and rely on any one plan.

14 Q. One of these -- the specifics of each
15 option would have to be disseminated widely around
16 county?

17 A. Yes.

18 Q. Is that dissemination of information
19 crucial on the effectiveness of the plan?

20 A. Yes.

21 Q. That hasn't been done with the
22 O'Rourke plan, has it?

23 A. As far as I know, we have not
24 produced any new brochures that say that.

25 By the way, one of the other things

1 that I suggested was that the utilities put a
2 coupon in the back of the evacuation booklets, the
3 emergency plan booklets, and it would have a
4 series of questions in it. For example, what
5 emergency zone do I live in, what is the radio
6 station I turn to, what do I do when I hear the
7 siren, et cetera, et cetera. And if the people who
8 got these booklets answered the questions and
9 returned it, they would get a dollar off the bill.

10 The coupon is getting to be a very
11 important part of our economy, and I think that
12 would cost about \$25 thousand, and that would
13 assure that everyone would at least read the
14 booklets, which is a serious problem.

15 It isn't a matter of me dealing with
16 one specific issue, but I am trying to deal with
17 all the issues.

18 Q. But it has not yet been disseminated.
19 Is that correct?

20 A. I haven't seen it.

21 Q. I am going to ask direct questions,
22 and I would like direct answers.

23 A. I will do my best.

24 Q. And the O'Rourke plan was adopted
25 because you felt the two wave plan was not

1 effective. Is that correct?

2 A. It was not as good as it could be.

3 Q. You are aware that Parsons and
4 Brinckerhoff developed the two wave plan?

5 A. Yes.

6 Q. You are aware they are consultants to
7 the licensees. Is that correct?

8 A. I have been informed of that.

9 Q. You have little confidence in the
10 Parsons and Brinckerhoff work, is that correct?

11 A. I thought it could be done better.

12 Q. Is the county currently going to let
13 a contract to evaluate the Parsons and
14 Brinckerhoff work, to your knowledge?

15 A. No.

16 Q. Have you had any discussions with Mr.
17 Jerkowski regarding the retaining of a transportation
18 consultant plan?

19 A. Oh, the transportation plan. That's
20 under discussion.

21 Q. Does the consideration of having the
22 work evaluated by an outside firm indicate some
23 uneasiness with the plan as it currently exists?

24 A. I think anyone who is easy with an
25 emergency plan is out of their mind.

1 Q. So would it be fair to say that you
2 are not overly confident that the results of the
3 Parson and Brinckerhoff endeavor are something you
4 want to rely than?

5 A. I want as much information as
6 possible available to me when I make the decisions.

7 Q. Do you feel comfortable that the
8 Parsons and Brinckerhoff plan provides the
9 information you need? I think it can be answered
10 yes or no.

11 A. Well, I don't think so.

12 Q. All right.

13 A. I don't think it can be answered yes
14 or no.

15 I want as much information possible.
16 We have talked before about psychological studies.
17 Anything I can --

18 Q. But you are prepared to have the
19 plans operate at the current moment. Is that
20 correct?

21 A. I am prepared to leave here and go to
22 the EOC and put the plan into operation at 3:10.

23 Q. You are late.

24 A. My watch is slow.

25 Q. Do you currently support the

1 continued operation as of this moment of the
2 plants at Indian Point?

3 A. I am not taking a position on whether
4 they should continue operation or not. I think
5 that matter is before the NRC.

6 Q. Well, the matter goes before you, sir,
7 and I am asking you whether you hold, as County
8 Executive, a position on the current operation of
9 these plants?

10 A. I agree that the NRC hearing should
11 go to a conclusion and the NRC should make that
12 decision.

13 Q. Do you feel today the citizens of
14 Westchester County can be assured of their
15 continued health and safety with the continued
16 operation of the plants as we speak and sit here
17 today?

18 A. I believe that they would be better
19 off with the plants somewhere else, if that's what
20 you mean.

21 Q. I think you understand the question,
22 sir, and as we sit here today, can the residents
23 of Westchester County be secure of their health
24 and safety while the plants operate at Indian
25 Point?

1 A. Well, I don't have an answer for that
2 question. My concern is the safety of the people
3 of this county and trying to implement the
4 emergency plan if I have to do it, and I believe
5 that I don't have the technical competency to make
6 a judgment on plant safety.

7 I believe that the whole purpose of
8 this hearing, and many other things that have gone
9 on, and will go on, are directed to making that
10 judgment.

11 Q. As you speak today do you think the
12 residents are ecure of their health and safety--

13 MS. VERETE: Asked and answered.

14 MR. KAPLAN: I would ask the Board to
15 direct the witness to answer the question as posed.

16 JUDGE GLEASON: The Board is not
17 going to direct the witness to answer the question
18 again. The witness has answered the question to the
19 satisfaction of the board.

20 Q. Do you believe additional work is
21 necessary to help the emergency evacuation plan?

22 A. Yes.

23 Q. Do you think that as the plan exists
24 today it is adequate?

25 A. Well, I don't know what you mean by

1 adequate.

2 Q. That it will protect the health and
3 safety of the residents of the county. That is my
4 definition.

5 A. Using your definition yes, but that
6 doesn't mean I am satisfied with it.

7 Q. So you are --

8 A. I want to make sure it operates as
9 best I can make sure it operates.

10 Q. And you are not sure of that today?

11 A. I will never be sure that the plan
12 will operate totally satisfactorily until it is
13 done, and I hope it is never done.

14 Q. Is a satisfactory plan necessary to
15 protect the health and safety of the residents of
16 Westchester County?

17 A. Sure. Yes.

18 Q. But you are not sure that you have a
19 satisfactory plan, are you? I think that was your
20 testimony, was it not?

21 MS. VETERE: Objection. Argumentative.

22 JUDGE GLEASON: It is argumentative,
23 and he has answered the question.

24 Q. Sir, in your endeavors to perfect
25 this plan you have been in contact with officers

1 of New York City?

2 A. No.

3 Q. Have you failed to do that?

4 A. No.

5 Q. Why have you not been in contact with
6 the representatives of New York City?

7 A. Well, I have been very busy. I
8 certainly would be glad to sit down and talk to
9 representatives of New York City if they would
10 like to talk to me.

11 Q. So you think it's their burden to
12 come to you?

13 A. Not necessarily.

14 Q. You spent some time before mentioning
15 money in a wry context. I think you indicated that
16 it would be your position that the state should
17 pick up the tab to a lot of emergency planning, or
18 as much as they are willing to pick up. Is that
19 correct?

20 A. Well, I also believe that if we could
21 put into effect this FEMA brigade of mine the
22 Federal Government would pick that up.

23 Q. Where does the Federal Government get
24 its money?

25 A. Oh, it all gets it from taxes.

1 Q. So ultimately, it's going to come
2 from the people of Westchester and New York City,
3 correct, and maybe some other places as well?

4 A. Yes, some other places as well.

5 Q. But it will, to the extent the state
6 uses the budget, were the state to have more money
7 it could spend more money.

8 A. Much the same argument that New York
9 City has to make sure the state picks up Medicare.

10 Q. You mean if you have so many dollars
11 you can't spend more than you have?

12 A. I don't understand that.

13 Q. You don't think you can spend \$1 in
14 two separate places, do you?

15 MR. HASSELL: No --

16 MR. BRANDENBURG: Mr. Chairman --

17 JUDGE GLEASON: It's highly
18 interesting, but it's not very appropriate for
19 this hearing.

20 Q. In the FEME brigade would you have
21 any proposal as to where the funding of this
22 brigade should come from?

23 A. Federal Government.

24 Q. Come out of tax levied dollars.
25 Correct?

1 A. Well, the Federal Government gets
2 money from more than just taxes.

3 Q. And the state money would come from
4 the state government?

5 A. True.

6 Q. And the monies that the utilities
7 have contributed, the 1.5 figure.

8 A. Yes.

9 Q. Do you know where that money comes
10 from?

11 A. From the utilities.

12 Q. Do you know where the utilities get
13 it?

14 A. They raise money by sending us
15 monthly bills.

16 Q. So ultimately the money from the
17 utilities comes from the rate payers. Is that
18 correct?

19 A. That's true.

20 Q. So that ultimately the rate payer and
21 the citizen will pay for all of these endeavors.
22 Is that correct?

23 A. Not necessarily.

24 Q. Where else would the money come from,
25 sir?

1 A. Well, if we got it from the Federal
2 Government, many other people than just the rate
3 payers would be involved.

4 Q. I said the rate payer and the
5 taxpayer.

6 A. Taxpayer, yes.

7 Q. All right.

8 On page 4 of your original testimony,
9 a sentence was referred to before, the state
10 failed to fulfil its responsibilities regarding
11 some aspects of the plan.

12 Are you aware of how hospitals under
13 the state plan are to make arrangements for
14 congregate reception centers?

15 A. You mean the specifics? No.

16 Q. The general formula of the plan?

17 A. Well, I think that I would have to
18 say that we rely on people like Dr. Curran for
19 that specific aspect, and I wouldn't want to place
20 myself in the position of being an expert.

21 Q. Would it surprise you, then, if each
22 individual hospital were responsible for arranging
23 for its own reception center and congregate care
24 center?

25 A. It wouldn't surprise me.

1 Q. Were you aware of that fact?

2 A. No.

3 Q. Do you think the county has any
4 obligation to make sure that that happens?

5 A. That what happens?

6 Q. That each hospital has its
7 arrangements made?

8 A. If that's, under the plan, our
9 responsibility, I guess that's what we would have
10 to do.

11 Q. I was asking whether you think that
12 would be an appropriate responsibility for the
13 county, to be sure that each of the hospitals have
14 taken care of their patients?

15 A. Well, if I understand you correctly,
16 you want to know whether I think that the county
17 should make sure that the hospitals live up to
18 whatever they are charged to do under the plan.
19 I think you would have to ask Dr. Curran that
20 question. She would be better suited than I to
21 answer.

22 Q. She would tell me whether the county
23 has done it, rather than whether you think the
24 county out to?

25 A. But you have jumped ahead of yourself.

1 You asked me if I knew we did it. You should ask
2 Dr. Curran.

3 Q. Do you believe it should be your
4 responsibility to do it, whether or not --

5 MS. VETERE: Objection. Argumentative.

6 JUDGE GLEASON: Let him answer.

7 A. It is our basic responsibility, I
8 believe, to provide for the general health and
9 well being of the people of Westchester County,
10 and to that extent, if it is our responsibility,
11 we certainly should do it.

12 Q. In your additional testimony you
13 refer to monitoring of an evacuated area to be
14 sure it isn't polluted. First page of additional
15 testimony.

16 A. The first paragraph?

17 Q. First paragraph, second full
18 paragraph, beginning "Two of the most outstanding."?

19 A. Oh, yes. All right.

20 Q. On what assumption do you rely upon
21 to expect there will be looting?

22 JUDGE GLEASON: To expect what?

23 MR. KAPLAN: That there will be
24 looting.

25 A. Well, I think that it's something --

1 I don't expect it. However, I think it would be
2 something that we would have to guard against to
3 make sure that people would feel safe to evacuate.

4 Q. We are talking about an area that has
5 been evacuated. Correct? Is what you are
6 concerned about, placing individuals in a
7 contaminated area in order to guard against
8 looting by those individuals -- in order to guard
9 against looting?

10 A. I don't understand what you mean.

11 Q. If we have evacuated the area, that
12 is what this posits. Is that right?

13 A. Right. We now have an evacuated area.

14 Q. That's correct?

15 A. Which may or may not be a
16 contaminated area.

17 Q. If it is contaminated, you would no
18 longer station people there to guard against
19 looting. Correct?

20 A. I wouldn't station anyone. I believe
21 if a FEMA group existed that they would make that
22 decision, whether it was safe for personnel with
23 protective clothing and under short duration to be
24 present in certain areas.

25 Q. So you don't -- well, let's assume

1 your FEMA brigade doesn't work, and it was a
2 county responsibility. Would you station police
3 officers there to guard against looting?

4 A. Well, that sentence starts out the
5 police problems include training, et cetera, so
6 obviously I think it is a police --

7 Q. And you would station police officers
8 there, even though it was contaminated?

9 A. No.

10 JUDGE GLEASON: He has already
11 answered that question, Mr. Kaplan.

12 Q. You stated on a number of occasions
13 that -- let me direct your attention to page 2 of
14 your limited appearance before this board in
15 January, 1983. You state at the top of that page
16 that "I am, however, as County Executive entrusted
17 with the health and safety of the people of
18 Westchester County, and today as I speak the
19 safety of the people of our county has been
20 compromised."

21 Do you still believe that?

22 A. I believe that we have achieved, as I
23 said before, progress toward eliminating
24 difficulties that exist with the emergency plan.
25 However, as long as we do have an emergency plan

1 we are never in the same position as if we did not
2 have nuclear facilities.

3 Q. "Today as I speak the safety of the
4 people of our county is being compromised."

5 Granted the improvements, do you
6 believe the people of Westchester County are safer
7 now than they were in January?

8 A. I believe the people in Westchester
9 are less safe than if we did not have the nuclear
10 facilities, but we do.

11 Q. They would be safer if those
12 facilities were closed?

13 A. Well, that goes to another question
14 that I don't believe I have the technical ability
15 to answer.

16 Q. If the facilities were somewhere else
17 they would be safe?

18 A. Well, you are saying if they were
19 closed would the people be safer, and I don't know
20 if they would be safe if they were open, so I
21 can't say that they would be safer if they were
22 closed.

23 Q. Have you reached the determination
24 that they are safe open?

25 A. I think I said before that I hadn't.

1 Q. Have you reached the alternative

2 MS. VETERE: Asked and answered.

3 JUDGE GLEASON: Objection sustained.

4 Q. On the bottom of page 2 you stated,
5 "In addition I am asking the Power Authority of
6 the State of New York to keep its plant at Indian
7 Point 3 closed until these deficiencies," and you
8 refer to certain deficiencies, "until these
9 deficiencies are corrected."

10 One was the training of all emergency
11 personnel now. Has that been done?

12 A. It has substantially moved forward,
13 yes.

14 Q. Have all the personnel been trained?

15 A. No.

16 Q. Has there been, as yet, a
17 comprehensive transportation study?

18 A. No.

19 Q. And have you gotten the money
20 necessary for the communication, protection
21 against radiation, and --

22 A. We haven't gotten all the equipment,
23 no.

24 Q. Now, on the second of January you
25 said that you wanted Indian Point closed until

1 those deficiencies are corrected. You no longer
2 feel that those deficiencies have to be corrected
3 to allow the plants to operate. Is that correct?

4 A. I feel that a substantial good faith
5 effort has been made by the state and the
6 utilities to address the problems that I saw when
7 I first appeared and made that limited appearance.
8 To that end I am not asking at this point that
9 Indian Point 3 remain closed unless it is the
10 finding of the the NRC or some other governmental
11 agency that it should not be open for some
12 specific safety reason.

13 Q. You would not at this point attempt
14 to make a recommendation, you will leave that to
15 the NRC as to what its position should be
16 regarding the continued operation of the plants?

17 A. Well, I don't like to think what I
18 said before was a recommendation.

19 Q. No. I am asking you today, you don't
20 believe that you should make a recommendation to
21 the NRC regarding the continued operation of the
22 plants?

23 A. I am not making a recommendation. No.

24 Q. You mentioned a few moments ago on
25 the question of the drill. Do you feel that the

1 drill was an adequate test of Westchester County's
2 response capability in the event of a radiological
3 emergency?

4 A. I think it was a fair and adequate
5 test, yes.

6 Q. How many county personnel were
7 mobilized?

8 A. Several hundred, maybe more.

9 Q. Were these people given notice prior
10 to the drill that there was to be a drill?

11 A. Oh, certainly.

12 Q. How much before?

13 A. Oh, several months.

14 Q. Would they have that notice in the
15 event of a real radiological emergency?

16 A. Of course not.

17 Q. How many school busses were put out
18 on the street?

19 A. I can't answer that.

20 Q. How many congregate care centers were
21 set up?

22 A. I can't answer that, either. I think
23 one.

24 Q. How many would be required in a real
25 emergency?

1 A. I don't have that figure available.

2 Q. More than one?

3 A. Absolutely.

4 Q. The same thing with reception centers?

5 A. Yes.

6 Q. Are you familiar with the testimony
7 offered by your predecessor, former County
8 Executive, now Lieutenant Governor, Del Bello
9 before this proceeding?

10 A. I read something about it in the
11 paper.

12 Q. You didn't read his testimony in the
13 record?

14 A. No.

15 Q. Mr. Del Bello indicated, I believe,
16 that he would give the operators 30 or 60 days, I
17 don't remember which, to make all the assurances
18 and corrections necessary to correct any
19 deficiencies in planning and preparedness, and he
20 was for an immediate close down at that time,
21 should all deficiencies not be met.

22 MS. VETERE: I object to the
23 characterization of Mr. Del Bello's testimony.

24 MR. KAPLAN: I believe he testified
25 that.

1 JUDGE GLEASON: That may or may not
2 be, but you can't put that in as a fact.

3 Q. If County Executive Del Bello had
4 testified that it was his belief that the
5 utilities should be given a finite period of time,
6 30 or 60 days in which to correct any or all
7 deficiencies, and upon termination of that time a
8 failure to correct those deficiencies would result
9 in an immediate shut down, if he said that, would
10 you agree with him?

11 A. I think that decision would be one
12 that would have to be made by this tribunal, and
13 that is his opinion.

14 Q. I didn't mean to suggest --

15 A. Well, I don't agree with his opinion,
16 necessarily.

17 Q. You understand that this tribunal is
18 going to make a recommendation many months away to
19 the NRC?

20 A. True.

21 Q. I know they would like it quicker
22 than that, but --

23 JUDGE GLEASON: You have seven
24 minutes.

25 MR. KAPLAN: I think I will have no

1 problem.

2 JUDGE GLEASON: Are you going to do
3 it in less time than that?

4 MR. KAPLAN: I am going to try.

5 Q. Mr. O'Rourke, since you have taken
6 over as County Executive -- prior to becoming
7 County Executive you were involved in the County
8 Legislature. Is that correct?

9 A. That's correct.

10 Q. Since you have taken over would it be
11 fair to say you have spent a significant amount of
12 time dealing with the Indian Point?

13 A. A fair amount of time, yes.

14 Q. Can you give me an estimate?

15 A. I couldn't.

16 Q. But it's been significant?

17 A. More than I wanted to, I assure you.

18 Q. And that would be true for your
19 county officials, as well?

20 A. True.

21 Q. I assume that it would be fair to say
22 that when you are working on that you are not
23 working on other things at the same time.

24 JUDGE GLEASON: Mr. Kaplan.

25 A. It's hard to do that.

1 Q. Right. You can't spend the same
2 dollar twice.

3 A. Only in New York City.

4 Q. It would be fair to say that if these
5 plants were shut down that amount of county time
6 would be spent on something different. Correct?

7 A. Probably true.

8 Q. And the all the time put to the
9 betterment of the county by the officials. Is that
10 correct.

11 MS. POTTERFIELD: Objection. I don't
12 see the relevance to this line of questioning.

13 JUDGE GLEASON: Well, I don't either.
14 I find it interesting.

15 He can't be two places at once, he
16 can't do two different things at once, a thing
17 cannot be and not be at the same time.

18 Where are we going?

19 A. I believe that the county should use
20 the time that we spend in this area to develop and
21 to assure ourselves that we not only have an
22 Indian Point emergency plan, but that it is a
23 county wide emergency plan. So I look at the time
24 as well spent.

25 If we had another disaster of some

1 other sort somewhere else in the county, I would
2 call the same EOC people together, and operate the
3 same group, hopefully, to take care of that.

4 Q. Now, the money that you are using to
5 take care of this, some of the monies are passed
6 under 7087

7 A. That's true.

8 Q. So the equipment you asked for could
9 be in some other emergency beyond the radiological
10 emergency, is that correct?

11 A. Well, if it were it would be money
12 well spent. If we actually had a disaster
13 someplace we would have a setup to answer that
14 problem. Some other counties have done a lot more
15 than Westchester to make sure they have a county
16 wide emergency plan as opposed to if you have a
17 ten mile radius.

18 Q. So the thing you are doing is
19 preparing a county wide emergency plan?

20 A. No.

21 Q. You are not?

22 A. No. I said what we should do is we
23 should look at this as training for any emergency
24 that happens anywhere in Westchester

25 MR. KAPLAN: I have tried this before.

1 This is the last question I think I am going to
2 ask.

3 MS. VETERE: Asked and answered.

4 MR. KAPLAN: I haven't asked the
5 question yet.

6 Q. I'm a little confused. Are you aware
7 of how long the planning and work done to try to
8 create an implementable plan for Westchester and
9 the four counties has been going on?

10 A. Several years.

11 Q. Two months ago you said there were
12 significant deficiencies. January 10. Correct?

13 A. That's correct.

14 Q. Even with several years of work.
15 Correct?

16 A. That's correct.

17 Q. And you said that the health and
18 safety on January 10 of the community couldn't be
19 protected because those deficiencies existed.
20 Correct?

21 A. Well, I think the exact wording was --

22 Q. "Today as I speak the safety of the
23 people of the county is being compromised."?

24 A. That's correct.

25 Q. Now, today is the 24th, some 70 days

1 later?

2 A. True.

3 Q. And you are not prepared to say those
4 things again. Is that correct?

5 A. No. I think I did say them again, and
6 I said we had made good progress on them, and that
7 I am satisfied that good people have put their
8 best efforts into addressing those problems, and I
9 come back here to report that we have done, I
10 think, a good job in helping to make sure that
11 plan works as best we can make it work.

12 Q. I think you testified before that you
13 need a lot more time to continue to work on that
14 plan, don't you?

15 A. I think you said a lot more time.

16 Q. Do you think we need a lot more time
17 to do this?

18 A. As far as I am concerned, we need as
19 much time as necessary until we get all of the
20 wrinkles worked out of this plan.

21 Q. And we don't have that today?

22 A. On the other hand, as I said, I am
23 prepared to put the plan into operation now, at 20
24 minutes to four, if necessary, and I believe that
25 that plan is reasonable and fair to address the

1 problems that exist.

2 Q. So it would be fair to say that you
3 no longer believe the safety of the people of the
4 county is being compromised

5 MS. VETERE: Objection. Asked and
6 answered.

7 JUDGE GLEASON: The objection is
8 sustained.

9 Q. You don't want to answer that
10 question, do you, Mr. O'Rourke?

11 MS. VETERE: Objection.

12 JUDGE GLEASON: Mr. Kaplan.

13 MR. KAPLAN: I have no further
14 questions.

15 CROSS EXAMINATION

16 BY MR. BRANDENBURG:

17 Q. Mr. O'Rourke, any name is Brandenburg.
18 I'm an attorney for Con Edison.

19 Now, you spent a good deal of your
20 time on March 5 participating in the emergency
21 exercise. Is that correct?

22 A. That's correct.

23 Q. Now, immediately after the exercise
24 you were quoted in the press making some comments
25 on the exercise, and we all know that political

1 figures occasionally get misquoted. I want to ask
2 you about one or two of the remarks³ and find out
3 if those are an accurate reflection of your views.

4 In one press account you were quoted
5 as saying that many of the problems that had been
6 encountered in the 1982 exercise had been brought
7 under control in the 1983 exercise. Is that a fair
8 statement.

9 MS. VETERE: Objection, Your Honor. I
10 would like to be able to see the press account he
11 is referring to.

12 MR. BRANDENBURG: Well, I can't do
13 that. If the witness recalls, actually I was
14 asking him to restate it.

15 MS. POTTERFIELD: My objection is
16 it's not adversarial.

17 JUDGE GLEASON: It's not adversarial
18 at all.

19 I don't think you can ask that.

20 Q. Mr. O'Rourke, do you believe, based
21 on your experience in the 1983 exercise, that
22 problems that had been encountered in the 1982
23 exercise had been brought under control?

24 MS. POTTERFIELD: Objection.

25 JUDGE GLEASON: Objection sustained.

1 It's not adversarial.

2 Q. You stated, in questioning by one of
3 the other attorneys, that you supported making the
4 radiological emergency plan for Indian generic in
5 Westchester County so it would apply to all types
6 of emergencies, including non-nuclear emergencies.
7 Would the same be true for the FEMA brigade that
8 you have referred to in your additional testimony?

9 A. Well, my understanding is that at
10 this time there are provisions for the use of
11 federal troops in natural disasters of various
12 sorts, so that presently exists. And those troops,
13 I understand, are trained in disaster services.

14 However, there is no provision under
15 the law, as far as I know, for them to deal with
16 nuclear emergencies, and I think that is something
17 that should be addressed.

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

20 JUDGE GLEASON: Power Authority?

21 MR. CZAJA: The Power Authority has
22 no questions.

23 JUDGE GLEASON: Do you have any
24 redirect?

25 MS. VETERE: No, I don't.

1 JUDGE GLEASON: Mr. Hassell?

2 CROSS EXAMINATION

3 BY MR. HASSELL:

4 Q. Good afternoon. My name is Hassell. I
5 am one of the representatives from the NRC staff.

6 Will you turn to page 3 of your
7 original testimony, employees?

8 A. Yes.

9 Q. Now, with respect to the training
10 that's referred to there, for fire personnel,
11 ambulance drivers, school and hospital personnel,
12 are you aware of any additional training that is
13 planned for these emergency response personnel?

14 A. That is an area that my staff is
15 presently working on with representatives of the
16 utilities and the State of New York to provide
17 funding for that additional training.

18 Q. Further down the page you make
19 reference to the low range dosimeters?

20 A. Yes.

21 Q. In that instance are you aware of any
22 plans for Westchester County to receive additional
23 low range dosimeters?

24 A. Yes. My understanding is we will
25 receive additional both film badges and dosimeters.

1 Q. Turning to the bottom of page 4 of
2 that same testimony, the very last sentence is
3 referring to a number of school districts
4 designated as reception centers withdrawing from
5 the plan. And then you go on to say, "And
6 desperate measures to correct the situation have
7 been taken."

8 Does this mean that those school
9 district that you refer to there are now part of
10 the plan designated as reception centers?

11 A. It's my understanding that we were
12 informed at the last minute that the schools, some
13 of the schools, would not serve as reception
14 centers because they had not received a contract
15 from the State of New York.

16 And members of my staff contacted the
17 state, we called a meeting with the school
18 officials, we found out what their concerns were,
19 and we helped alleviate those concerns, and I
20 believe that those school districts are presently
21 back as reception centers.

22 MR. HASSELL: Thank you. I have no
23 further questions.

24 JUDGE PARIS: Mr. O'Rourke, could you
25 explain a little more about this contract between

1 the school districts and the State of New York?
2 What sort of agreement has to exist between them
3 and the schools to serve as centers?

4 THE WITNESS: Well, I was informed
5 that there was a contractual agreement between the
6 school district or the school and the state to pay
7 them a certain amount of money if their school
8 facilities were to be used as a reception center,
9 and that had not been reduced to writing, or there
10 were disagreements about it.

11 JUDGE PARIS: And the school
12 districts are independent to the extent that they
13 have the last word in determining whether their
14 school can be used for evacuation procedure?

15 THE WITNESS: So I was informed, yes.

16 JUDGE PARIS: Thank you.

17 JUDGE GLEASON: Mr. O'Rourke, there
18 has been some testimony in these proceedings, I
19 guess there are smaller incorporated areas within
20 the EPZ, and I think I recall at some point
21 somebody telling us that there was something like
22 forty some within the Westchester County part of
23 that plan.

24 And one of the problems that evolves
25 out of this is that a lot of them have their own

1 police unit, maybe two or three or four people,
2 and they have a telecommunications problem because
3 they are not on an organized communication network.

4 Have you met with those, or have your
5 people met, and tried to pull those people
6 together, as far as soliciting their concerns, any
7 concerns they may have?

8 THE WITNESS: Well, Mr. Chairman,
9 there are 45 police departments representing the
10 45 municipalities, and my recollection is there
11 are 14 within the ten mile zone, itself.

12 One of the things that we have been
13 working on for some time is a network whereby the
14 departments would be able to talk to each other,
15 and we would be able to talk directly to various
16 departments. That exists to some limited extent
17 now. However, we are hopeful that we will be able
18 to improve that communication network as time goes
19 on.

20 That is one of the things that this
21 executive group is talking to the utilities about,
22 getting them to fund a majority, if not all, of
23 that cost. But at the present time we do not have
24 that system totally in place, and therefore would
25 be relying on us contacting each headquarters,

1 getting in touch with their own people in the
2 field.

3 JUDGE GLEASON: This executive group,
4 who is presently on it, just yourself, the
5 utilities, and the state?

6 THE WITNESS: A representative from
7 the utilities, and a representative from the state.

8 JUDGE GLEASON: The other question I
9 had was with respect to, I guess, a new proposal,
10 relatively new, regarding the possibility of FEMA
11 developing a military trained force to come in, to
12 be sent in, in case of a nuclear accident, to
13 handle traffic, and so forth. I don't know that
14 this is the case, and perhaps someone can
15 straighten me out.

16 I know in other cases the state
17 police have been very heavily involved in handling
18 segments of emergency evacuation matters, and they
19 are available. Is that a part of the plan, do you
20 know? I don't know how many state people there
21 are, but certainly they know how to handle traffic.

22 THE WITNESS: We had with us, during
23 the drill, representatives of the state police,
24 and we would use them in the event of an emergency.

25 However, the state police department

1 isn't very large, and I believe that rather than
2 replicate over and over again through out all the
3 facilities in the United States, the training, the
4 equipment necessary, and the expertise to control
5 traffic, and prevent looting, and all the
6 different problems of control that would be
7 involved, that we should have several centrally
8 located groups of people that could be inserted
9 into an area that has this problem.

10 I think that would answer a lot of
11 the difficulties that people have brought up, and
12 I think justifiably so.

13 The people that have voiced
14 difficulties with this plan I think are justified
15 in doing that. It isn't a perfect plan. I am going
16 to do my best to put it into action.

17 But a force under the control of the
18 United States that would be available in the
19 country, specifically ready, equipped, trained,
20 and ready to go, to me would be preferable to 30
21 counties trying to do this to the best of their
22 ability, and costing 30 times as much.

23 JUDGE GLEASON: Wouldn't that group
24 necessarily have to know the local roads, the
25 obstructions to such roads? How would a national

1 group develop that kind of expertise? It's
2 different than just going in under another kind of
3 emergency.

4 THE WITNESS: I think what would
5 happen is the various sites where these facilities
6 are located would be analyzed, and plans would be
7 drawn up contingent upon each one of those sites,
8 and in conjunction with local law enforcement
9 officials these people would operate.

10 JUDGE GLEASON: So they would have to
11 know 71 different geographical areas?

12 THE WITNESS: They would have to know
13 basically their job, and using the equipment and
14 training for traffic control, crowd control.

15 It's much like saying would troops
16 have to be trained for one specific area. I don't
17 think so. I think they are trained as troops, and
18 they have to go and do the job that has to be done.

19 JUDGE GLEASON: Yes, but it seems to
20 me, an essential component of emergency personnel
21 to be able to effectively assist in a potential
22 evacuation is knowledge of the area..

23 THE WITNESS: I believe so. And I
24 believe that --

25 JUDGE GLEASON: How would this force

1 have knowledge of the 71 different areas? That's
2 my question.

3 THE WITNESS: Well, I believe they
4 would first be trained to respond, and they would
5 have available plans of how to deal with each
6 particular area, and they would also have
7 available to them the local law enforcement
8 officials and local officials to assist them.

9 JUDGE PARIS: They would work closely
10 with the local police, would they not?

11 THE WITNESS: Yes.

12 JUDGE GLEASON: All right. We
13 appreciate having your testimony, sir, and you are
14 excused. Thank you very much.

15 THE WITNESS: Thank you.

16 JUDGE GLEASON: Ms. Verete, would you
17 please call your next witness?

18 MS. VETERB: I call Michael Kaminski,
19 Westchester County Director of Planning, Medical
20 Center.
21 Whereupon,

22 MICHAEL KAMINSKI,
23 having previously been sworn by the Administrative
24 Law Judge, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. VERETE:

2 Q. Mr. Kaminski, would you please state
3 your full name, business address, and occupation
4 for the record?

5 A. Michael S. Kaminski, Junior. Director
6 of Planning, Westchester County Medical Center.

7 Q. Do you have your additional testimony
8 consisting of three pages before you?

9 A. Yes.

10 Q. Do you have any corrections or
11 additions that you would like to make to be sure
12 that your testimony is up to date at this time?

13 A. No.

14 Q. Is your testimony true and correct to
15 the best of your knowledge and belief?

16 A. Yes.

17 MS. VETERE: I now move the admission
18 of the additional testimony of Mr. Kaminski, and
19 ask that it be bound into the record as if read.

20 JUDGE GLEASON: Is there an objection?

21 Hearing none, the testimony will be
22 admitted and bound as if read.

23 (Bound testimony follows.)

24

25

ADDITIONAL TESTIMONY OF

MICHAEL S. KAMINSKI

As an addenda to my previously submitted testimony concerning the Westchester County Department of Hospital's role and responsibility as outlined in the Indian Point Nuclear Disaster Plan, I am submitting additional information regarding the evacuation of mobility impaired home-bound individuals from within the 10 mile EPZ.

The Plan indicates that the Department of Hospital, through "Ambulance Medical Services", will request ambulance personnel to evacuate individuals who are "handicapped, shut-ins, and those identified by the Department of Social Service". Additionally, ambulance personnel could be requested to evacuate individuals who have requested "ambulance transportation through the public information brochure". Lastly, ambulance personnel could be requested to evacuate "persons requesting ambulance transportation from the Commissioner of Transportation at the time of notification to evacuate".

There are a number of issues relative to the above Plan which I would like to address:

- A. There is a lack of information concerning these home-bound individuals. The response to the public information brochure elicited approximately 235 names and addresses of individuals who believe they require special transportation. In reviewing this list it appears that less than half may truly require special transport. Further,

after consulting with the County Departments of Health and Social Services, I believe that there may be many individuals who have not responded to the public information brochure, but who may require special transportation. The Department of Health, after reviewing this initial list believes that there are 530 home-bound individuals. Therefore, there is a need to develop an accurate accounting of these home-bound individuals, and to maintain a current status listing once an accurate list is developed. In order to maintain a current status listing, it will be necessary for individuals to contact a central office when they develop the need for special transport, move, or no longer require special transport.

- B. Assuming that the current listing of 235 individuals is accurate, the number of vehicles required to evacuate these individuals is between 60 and 120 depending on whether ambulances and/or invalid coaches (ambulettes) are required. However, there are only approximately 55 ambulances from 34 volunteer ambulance companies, 1 police ambulance, and 25 vehicles from 6 commercial ambulance companies, or 80 total, available in Westchester County. Since these vehicles will more than likely be used to assist in evacuating all or part of the 2,400 patients and necessary accompanying staff from Special Facilities in the EPZ, it seems more likely that we would have to rely on invalid coach services. However of the 10 invalid coach services in Westchester County, all of which are commercial,

only 5 have voiced any interest in participating in the drill. The total number of vehicles that would be available through these companies are approximately 23. It is not known at this time whether or not these 5 companies would be willing to participate in an actual evacuation situation.

In summary, therefore, there are problems with accuracy of listing these individuals, maintaining updated listings and adequacy of the quantity of vehicles to evacuate these individuals.

1 JUDGE GLEASON: Proceed with your
2 cross examination.

3 CROSS EXAMINATION

4 BY MS. POSNER:

5 Q. Hello, Mr. Kaminski. I am Pat Posner.

6 The first thing I would like to do is
7 to introduce a document, it's already been
8 introduced in the record. On June 25 I submitted a
9 document that I received from Mr. Murasco. The
10 document was prepared by, or on behalf of, Mr.
11 Harvey Harth, of the Four County Nuclear Safety
12 Committee, and I would like to show this to the
13 witness and ask if he has ever seen this before.
14 You would never have seen the cover letter, but
15 just the document that's called Memorandum From
16 the Westchester County Office of Disaster
17 Emergency Services.

18 A. No, I haven't seen this.

19 Q. In your review of the post cards that
20 came into the Four Counties Safety Committee, did
21 you receive any kind of a breakdown of the post
22 cards or did you receive the postcards, themselves?

23 A. I received the post cards, and a copy
24 of a summary of the information contained on the
25 postcards.

1 Q. And that was a different summary than
2 this?

3 A. Yes.

4 Q. So now you have in your possession
5 the post cards?

6 A. Yes.

7 Q. Do you know how many there are?

8 A. 235.

9 MS. POSNER: Well, according to
10 this information, as of June 25 over a thousand --

11 JUDGE GLEASON: Are you talking to me
12 or the witness?

13 MS. POSNER: Yes. I am talking to you.
14 If Mr. Kaminski has only 235 post cards, and there
15 is some evidence that over a thousand post cards
16 have been received altogether, I want to somehow
17 get this disparity --

18 JUDGE GLEASON: Well, ask him about
19 it.

20 Q. Do you have any knowledge of any
21 other post cards besides the 235 that you have?

22 A. No.

23 Q. Could you break down for us the
24 information on the 235 post cards as to what kinds
25 of conditions the people reported needing special

1 help with?

2 A. I couldn't do that right now. When I
3 said I have a summary of the information contained
4 on the post cards, what I meant was we have the
5 names and the addresses and the telephone numbers,
6 and the conditions identified on the post cards.
7 But we haven't summarized that information.

8 JUDGE GLEASON: Ms. Posner.

9 Q. Are you under the impression, or is
10 it your belief, or have you received any
11 information to the effect that those 235 post
12 cards were all the post cards that were submitted?

13 A. It's my impression that the 235 post
14 cards that I received are post cards with
15 responses indicating that there were
16 transportation problems.

17 J. All right.

18 Q. Could you tell me the basis for your
19 statement on the first page under heading A? "In
20 reviewing this list it appears that less than half
21 may truly require special transport." What is the
22 basis for that statement?

23 A. In reviewing the information, there
24 are a number of cards that don't have specific
25 information regarding the special conditions of

1 the mobility impaired. For example, some of them
2 say "old," some of them say "hearing impaired,"
3 some of them say "I don't have a car," et cetera.

4 Q. Do you have any plan to investigate
5 whether or not the 238 people actually need
6 special transportation?

7 A. Yes.

8 Q. What is that plan?

9 A. As I indicated in my testimony, we
10 have started working with the Department of Health
11 and Social Services of Westchester County to
12 attempt to first determine whether or not there
13 are more mobility impaired individuals within the
14 ten mile EP2 than are indicated by the cards.

15 After we have some reasonable
16 indication of the potential true number of
17 mobility impaired individuals, then it was our
18 intent to send out additional letters, telephone
19 calls, and in some cases visit those individuals,
20 both through the hospital and the Departments of
21 Health and Social Services, in an attempt to
22 determine whether or not they had friends,
23 neighbors, relatives, whatever, living near them,
24 that could assist them, would, in fact, take them
25 off the mobility impaired special transportation

1 list.

2 JUDGE PARIS: You say it is your
3 intent or was your intent?

4 THE WITNESS: It is our intent.
5 (further testimony follows.)
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1 Q. On page 2 of your testimony, could
2 you tell me, if you know, how the Department of
3 Health arrived at a figure of 530 home-bound
4 individuals?

5 A. I didn't participate in their survey.
6 I believe they looked through some computer
7 listing of individuals living within the ten-mile
8 EPZ that they take care of on a home health care
9 basis.

10 Q. At the bottom of page 2 where you
11 talk about the ten invalid coach services in
12 Westchester County, do you know where the invalid
13 coach services are located?

14 A. I have a listing of the locations.

15 Q. But you couldn't tell us offhand if
16 they are in --

17 A. They are spread throughout the county.
18 They're New Rochelle, Yonkers, Elmsford, Tarrytown,
19 d Yorktown, Mount Kisco, White Plains.

20 Q. So that Yorktown is within the
21 ten-mile EPZ?

22 A. Yes.

23 Q. And are there any others that you
24 mentioned that were in the ten-mile EPZ?

25 A. I don't remember off the top of my

1 head whether or not there were any others.

2 Q. Do you know whether or not the
3 invalid coach services employ emergency medical
4 technicians?

5 A. I'm not sure whether or not they do.

6 Q. What's the total number of invalid
7 coaches available through all ten services?

8 A. Based on a very quick survey we did,
9 we just made about 165.

10 Q. About 165 coaches all together. Do
11 you know how many passengers each coach would
12 carry?

13 A. I can give you my impression. Most
14 invalid coaches carry between four and eight
15 passengers, depending on whether or not they are
16 able to accommodate wheel chairs and whether or
17 not they have ramps.

18 Q. On page 3 when you say that only five
19 have voiced any interest in participating in the
20 drill, to what extent did any of them participate
21 in the drill?

22 A. During the course of the drill, one
23 company sent an invalid coach to, in theory, pick
24 up four of the five patients, mobility-impaired
25 patients that we had in the ten-mile EPZ.

1 One other company indicated that they
2 would participate; but during the course of the
3 drill when we continued to verify whether or not
4 they had sent the invalid coach, it turned out
5 that they were too busy.

6 Q. At this point, do you have a plan for
7 maintaining -- first of all -- for acquiring;
8 and, second of all, for maintaining a list of the
9 mobility-impaired individuals who need special
10 transportation?

11 A. Yes. I think I had indicated that
12 previously, that we'll be working over the next
13 few months and probably through the summer on
14 trying to arrive at an accurate listing of those
15 individuals.

16 The problem that occurs after that is
17 maintaining the list. It would be incumbent on
18 individuals to alert somebody in county government
19 when their status changes, when they move into the
20 zone, when they move out of the zone, et cetera.

21 Q. How exactly are you going to go with
22 doing that?

23 A. Which?

24 Q. First acquiring a list and then
25 maintaining the list.

1 A. We would be working with the
2 Department of Health And Social Services, the
3 Office of the Handicapped, the Office of the Aged
4 to send out letters, brochures, news letters,
5 perhaps, news releases through local radio
6 stations, to alert individuals within the ten-mile
7 EPZ of the importance of informing the county of
8 their condition.

9 After we build up that list, then
10 we'll be going back out and either visiting or
11 making telephone calls or sending additional
12 letters out to determine whether or not those
13 individuals have familiar members or neighbors who
14 could transport them out of the ten-mile EPZ.

15 Further on, at some point in time
16 during this year, after we get through a list that
17 we feel reasonably comfortable with, then we would
18 have to continue to update that list.

19 Then it becomes important for the
20 individuals to inform us of change or status.

21 Q. How will you notify people who move
22 into the area after this initial effort of
23 locating people?

24 A. I would assume we'd wind up having to
25 do this on an annual basis.

1 Q. Once you establish a list, will
2 specific ambulance companies be assigned to the
3 specific individuals on the list?

4 A. I didn't mention anything about
5 ambulance companies being available in my
6 testimony.

7 What I said was it's our impression
8 that ambulance companies will be busy with
9 potential evacuation for special facilities and
10 answering emergency calls.

11 I think we would rely more on invalid
12 coach services.

13 Q. I see.

14 Are there any negotiations underway
15 now to make contracts with the invalid coach
16 services?

17 A. No. I don't have the authority to
18 enter into that type of negotiating.

19 Q. Who would?

20 A. Well, presumably the commissioner of
21 hospitals or his designee if empowered by the
22 county government.

23 Q. Would it be part of those
24 negotiations, if they ever came about, to assign
25 particular individuals to be picked up by

1 particular coach companies?

2 A. If we ever got to the point of having
3 invalid coach services indicate that they would be
4 willing to participate in an actual emergency, I
5 could see assigning particular individuals to
6 particular companies, yes.

7 Q. And it would be like an invalid bus
8 that would go around until it was filled up?

9 A. Yes.

10 Q. Are you aware of testimony before
11 this Board presented by Mrs. Ruth Northrup of the
12 Social Services Department of Rockland County
13 about home health aids in Rockland County who do
14 not have information about the mobility status of
15 the patients in their care?

16 A. No, I'm not aware of it.

17 Q. Was it your impression from
18 discussions with the Department of Health that the
19 Department of Health is aware of the mobility
20 status and the other health-related problems, such
21 as obesity, involving their clients?

22 A. It's my impression from my
23 discussions with the Department of Health that
24 they have the ability to determine the degree of
25 immobility of these patients.

1 Q. Okay. Thank you very much.

2 JUDGE GLEASON: Do you have some
3 questions?

4 MS. POTTERFIELD: Yes, thank you,
5 Judge.

6 CROSS-EXAMINATION

7 BY MS. POTTERFIELD:

8 Q. Mr. Kaminski, my name is Amanda
9 Potterfield. I represent the New York Public
10 Interest Research Group which is an intervenor in
11 this proceeding. I want to ask you also about the
12 cards that have been given to you that were sent
13 in by members of the public, torn off of their
14 public information brochures.

15 When did you become the custodian of
16 these cards for Westchester County?

17 A. Sometime in February, I think.

18 Q. February?

19 A. Of this year.

20 Q. 1983?

21 A. Yes.

22 Q. Do you know who was the custodian of
23 these cards between the time that the brochure was
24 mailed and the cards were mailed back in in
25 February, 1983?

1 A. All I know is that they were sent to
2 the Four-County Nuclear Safety Committee.

3 Q. What is your relationship with the
4 Four-County Nuclear Safety Committee as regards
5 mobility and care of individuals in Westchester
6 County?

7 A. I don't have a direct relationship,
8 that I know of.

9 Q. Have you not been in contact with Mr.
10 Harvey Harth of the Four-County Nuclear Safety
11 Committee about these individuals?

12 A. I have been in contact with Mr. Harth
13 and Mr. Harth is the one who gave me the cards.
14 Is he a member of the Four-County Nuclear Safety
15 Committee?

16 Q. As I understand it it, then, Mr.
17 Harth -- did he give you the cards in response
18 to a request for the cards?

19 A. Yes.

20 Q. So when did you request that he give
21 you the cards?

22 A. I think it was in January, late
23 January.

24 Q. Of 1983?

25 A. Yes.

1 Q. You were aware of the cards, though,
2 all during last year, 1982; were you not?

3 A. No.

4 Q. When did you first become aware that
5 these cards were in existence?

6 A. January.

7 Q. When did you first assume your
8 responsibilities with the county government?

9 A. About five years ago.

10 Q. And, so, do you live within the
11 ten-mile EPZ of Indian Point?

12 A. Yes, I do.

13 Q. Did you receive a public information
14 brochure?

15 A. No.

16 Q. Until January of 1983, then, you were
17 not even aware that these cards were in the public
18 information brochure or that any had been mailed
19 in?

20 A. I was aware that the public
21 information brochures were mailed to residents of
22 the ten-mile EPZ. I was also aware that there was
23 a tear-off section in the back of it. I was not
24 aware whether or not people had actually completed
25 those cards and sent them someplace.

1 Q. Yet it's your responsibility in
2 county government, as I understand it it, to
3 assure the protection of these home-bound
4 mobility-impaired people.

5 A. Go ahead.

6 Q. Is that right? Is it your
7 responsibility? Are you the responsible person in
8 county government?

9 A. I think what the plan says is that to
10 the extent that resources are available, the
11 Commissioner of Hospitals can request ambulance
12 companies to assist in the evacuation of
13 mobility-impaired individuals.

14 Q. And you work for the Commissioner of
15 Hospitals?

16 A. In coordination with the Department
17 of Social Services and Department of
18 Transportation.

19 Q. Do you know whether or not the County
20 Department of Social Services and/or the County
21 Department of Transportation were aware of the
22 existence of these cards?

23 A. I don't know.

24 Q. Let me try to understand that. It's
25 your testimony that county government, as far as

1 you know, was not aware of the existance of
2 the --

3 A. I didn't say that.

4 Q. -- of these cards until January of
5 1983?

6 A. I didn't say that. I became aware of
7 them in January of 1983, as a result of a series
8 of meetings that we began holding with members of
9 staff responsible for the plan and the drill and
10 special facilities noted in the drills as well as
11 EP2 individuals and ambulance companies.

12 During the course of one of those
13 meetings, it was noted to me that Mr. Harth had,
14 in fact, received a number of cards.

15 Q. And it was after that meeting, then,
16 that you asked Mr. Harth for those cards relating
17 to Westchester County; am I correct?

18 A. Yes.

19 Q. Now, when you asked Mr. Harth about
20 the cards, did you ask him to give you all of the
21 cards he had received?

22 A. I don't remember exactly how I put it.
23 I probably said something like, "I'd like the
24 cards that we are responsible for-- the
25 individuals for whom we are responsible."

1 Q. How do you define the individuals for
2 whom you are responsible?

3 A. Mobility impaired.

4 Q. When you asked him for that, he gave
5 you, in February of 1983, 253 cards; is that your
6 testimony?

7 A. Yes.

8 Q. And of those 253, it's your judgment
9 that about half of those are not mobility impaired
10 but have other disabilities?

11 A. Without actually going and visiting
12 the individuals, yes, it's our initial impression.

13 Q. Well --

14 JUDGE PARIS: Could I ask a quick
15 question here?

16 MS. POTTERFIELD: Yes.

17 JUDGE PARIS: Were the 253 cards that
18 he gave you all the cards that he received?

19 THE WITNESS: I don't know.

20 MS. VETERE: As a point of
21 clarification, your Honor, I believe that 1,200
22 cards were received by the Four-County Committee.

23 JUDGE PARIS: So you have known this
24 all along?

25 MS. VETERE: The problem is that

1 people return the cards when they are asking for
2 information, also, and, I believe Mr. Herth just
3 gave Mr. Kaminski those people who are mobility
4 impaired and in need of transportation.

5 JUDGE PARIS: One thing that's
6 bothering me and maybe you can help clarify this.

7 JUDGE GLEASON: She can't testify.

8 JUDGE PARIS: Well, I need the
9 information, if I can get it.

10 The card has "Physical impairment"
11 and so on, several things that could be
12 interpreted as not being mobility impaired, but
13 the testimony has related always to mobility
14 impaired.

15 Now, what I want to know is were
16 deaf people included?

17 THE WITNESS: Did I receive cards
18 from individuals who indicated that they were
19 deaf?

20 JUDGE PARIS: Yes.

21 THE WITNESS: Yes.

22 JUDGE PARIS: Okay. Fine. Thank you.

23 JUDGE SHON: As long as we are on
24 this, the 1,200 cards I presume came from all four
25 counties to the Four-County Committee; is that

1 right?

2 MS. VETERE: No. The 1,200 is just
3 for Westchester County.

4 JUDGE SHON: The 1,200 is just for
5 Westchester. Okay.

6 Q. Now, Mr. Kaminski, you have just
7 heard Ms. Vetere say that 1,200 cards were
8 returned in Westchester County alone.

9 Do you have any understanding as to
10 why you were only given 250 of those cards?

11 A. No.

12 JUDGE GLEASON: Let's ask the
13 question. Were you aware of the fact that there
14 were 1,200 cards?

15 THE WITNESS: I had heard some
16 discussion about the fact that there may have been
17 as many as 1,200, yes.

18 JUDGE GLEASON: All right. Thank you.

19 Q. Let me ask you, Mr. Kaminski, if your
20 department has had any communications with the
21 Office of Disaster and Emergency Services for
22 Westchester County?

23 A. Yes.

24 Q. Have you had any communication with
25 that office with regard to these post cards?

1 A. Well, representatives from that
2 office attended the meetings that I'm talking
3 about that were held in January.

4 Q. Now, did Mr. Harth attend those
5 meetings in January?

6 A. Yes.

7 Q. So he was there as well?

8 A. Yes.

9 Q. And representatives from the Office
10 of Disaster and Emergency Servies?

11 A. Yes.

12 Q. But it was Mr. Harth who gave you the
13 cards?

14 A. Yes.

15 Q. Now, did you ask Mr. Harth when he
16 gave you the cards whether or not he or anybody
17 else working for him had responded to the
18 individuals who had sent in the cards?

19 A. Repeat that, again.

20 Q. Did you ask Mr. Harth when he gave
21 you the cards whether he or anybody working for
22 him had responded to the people who had sent in
23 the cards?

24 A. Oh, yes. Yes, I did.

25 Q. What answer did you get?

1 A. That the responses had not gone back
2 out to people who had sent in the cards.

3 Q. Do the cards that you received have a
4 date received on them, stamped or otherwise?

5 A. I don't recall seeing them.

6 Q. Is it your intention to make a
7 personal response to the people who sent in the
8 cards?

9 A. After I go through the process --
10 after we go through the process that I was
11 explaining before. There may be personal visits
12 to some of these individuals.

13 JUDGE PARIS: Will you respond to the
14 ones that you do not visit personally or your
15 staff does not visit personally?

16 THE WITNESS: It would be our hope to
17 respond to all the individuals who we think are
18 mobility impaired.

19 JUDGE PARIS: What about the card of
20 someone who indicated a physical impairment but in
21 your opinion they are not mobility impaired? Will
22 you respond to that?

23 THE WITNESS: Well, what has to take
24 place, I think, is that a match should occur
25 between the Department of Social Services and

1 Department of Health relative to the information
2 that they have on some of these individuals who
3 are entered in their home health care program, and
4 the information contained on the card.

5 For example, if somebody responded to
6 us on the card saying simply, "I'm too old." And
7 it turns out that that individual is on a home
8 health care program and he, in fact, needs a
9 walker to move around and may need oxygen or
10 something, then they would obviously be contacted;
11 and we would have to attempt to make some
12 arrangements for their evacuation.

13 On the other hand, if it turns out
14 that the individual said that they were old and
15 they are not on any home health list, we would
16 presumably send them a letter first or call them
17 and find out what it is about their particular
18 situation that precludes them from walking to a
19 bus.

20 If, after that, it's necessary to
21 visit them because of some additional information
22 that's uncovered as a result of either the
23 telephone call or a response to the letter, then
24 they may, indeed, continue to be maintained on the
25 mobility-impaired list, or just the opposite could

1 occur.

2 JUDGE PARIS: But some effort would
3 be made to follow up and contact every person who
4 submitted a card?

5 THE WITNESS: Yes.

6 JUDGE PARIS: Thank you.

7 Q. I'd like to ask you the same question,
8 then, with regard to the more complete list that
9 your county departments have developed.

10 I understand through your testimony
11 that your Department of Health has come up with a
12 list of 530 home-bound individuals.

13 A. Yes.

14 Q. And do you have any information as to
15 how many of those 530 are among the 250 that sent
16 in cards?

17 A. No, I don't, not yet. I'm waiting
18 for that.

19 Q. May I ask whether or not it is your
20 intention or the intention of the staff to follow
21 through on that list or whether you intend only to
22 follow through on the list of 250 that sent in
23 cards?

24 A. You mean the 235?

25 Q. I'm sorry. 235.

1 A. No. I think what I have indicated is
2 that we want to -- we are attempting to create a
3 list that is, in theory, as large as possible and
4 then to go back and assure ourselves that as we
5 take an individual off of that list, they, indeed,
6 do not need special transportation.

7 Q. And in compiling your list, I didn't
8 hear whether or not you testified that you would
9 be in touch with the Office For The Aging?

10 A. Yes.

11 Q. But you haven't yet had a chance to
12 do that yet?

13 A. Not me personally, but there have
14 been conversations with the Office of the Aged
15 through the Department of Health And Social
16 Services, I believe.

17 Q. That has already been done?

18 A. I believe that has been done.

19 Q. Now, have you had any working
20 relationship with the New York State Office of
21 Disaster preparedness in the course of your duties?

22 A. I may have. I got a couple phone
23 calls from FEMA and New York State just prior to
24 the drill.

25 Q. Was that your first contact with them?

1 A. Yes. I don't recall ever talking to
2 them directly before.

3 Q. I wonder if you know whether, then,
4 anyone else on your staff has informed some member
5 of the staff of the New York State Office of
6 Disaster preparedness that Westchester County has
7 "made arrangements for all those mobility-impaired
8 persons who responded to the special assistance
9 cards mailed as part of the public information
10 brochure to most residences and businesses within
11 the emergency planning zone"?

12 A. No one on my staff did that.

13 Q. Do you think that that's a fair
14 statement of the present situation in Westchester
15 County, that arrangements have been made for those
16 people?

17 A. No, absolutely not.

18 Q. Now, as I read your testimony, I came
19 up with the following figures. It seemed to me
20 that according to your count that there would be
21 80 vehicles, a total of 80 vehicles, available for
22 2,400 patients in residential health care
23 facilities.

24 MR. CZAJA: I'm going to object to
25 that.

1 Q. I'm looking now at the bottom of page
2 of your testimony.

3 MR. CZAJA: Object to that. That
4 misstates the witness's testimony.

5 JUDGE GLEASON: Pardon?

6 MR. CZAJA: It misstates the witness's
7 testimony.

8 Q. Does that misstate your testimony,
9 Mr. Kaminski?

10 A. Repeat the question. I was reading
11 the section that you were referring to.

12 Q. All right. I'm referring to
13 paragraph B at the bottom of page 2.

14 I understand that to say that a total
15 of 80 vehicles are available in Westchester County
16 for evacuating all or part of the 2,400 patients
17 and staff in the special facilities within the EPZ.

18 A. No. That's not the intent of that.
19 What I'm doing there is relating the fact that in
20 the plan, ambulances are identified to evacuate
21 mobility-impaired individuals, and I'm setting up
22 a logic process that suggests that ambulances
23 probably cannot be used to evacuate mobility-
24 impaired.

25 This doesn't say that only ambulances

1 will be used to evacuate 2,400 patients from
2 special facilities, however.

3 Q. Are you aware that ambulance,
4 volunteer ambulance corps men have been given, as
5 their first priority, to evacuate the residential
6 health facilities?

7 A. The residential health facilities?

8 Q. Special facilities.

9 A. Yes, as they are available.

10 Q. That is the first priority under the
11 emergency response plan for volunteer ambulance
12 drivers?

13 A. Yes.

14 Q. So that the home-bound
15 mobility-impaired would be a second priority at
16 best; is that correct?

17 A. Yes.

18 Q. Have you been given any instructions,
19 Mr. Kaminski, or do you otherwise have an
20 understanding whether it is your department's
21 responsibility for developing plans that will
22 insure sufficient transportation for the
23 home-bound mobility-impaired or whether that is
24 the responsibility of the State of New York?

25 A. Well, it is my impression from the

1 plan that as resources are available, it's our
2 responsibility to coordinate those, the movement
3 of mobility impaired with available resources.

4 Q. And does that include making letters
5 of agreement or contracts with private --

6 A. No. I don't read that in the plan at
7 all.

8 Q. Whose responsibility would you say
9 that is, in your judgment?

10 A. I don't know.

11 Q. But it's not yours?

12 A. I don't --

13 Q. As you understand it?

14 A. That's not in planning.

15 Q. As you understood --

16 A. There's nothing in the plan that
17 talks about the responsibility of the Department
18 of Hospitals to negotiate, to contract with
19 invalid health services.

20 Q. I wondered if you had an
21 understanding outside of the plan whose
22 responsibility that might be?

23 A. No.

24 Q. Thank you, Mr. Kaminski.

25 Judge Gleason, I have no further

1 questions but I would like to make an oral motion
2 for subpoena.

3 Since we have been given information
4 from the Westchester County Office of Disaster and
5 Emergency Services about those some 1,100 or 1,200
6 cards and many -- in fact, the information we have
7 indicates that 318 of those cards are people who
8 have transportation problems, and I think we need
9 to investigate further what's happened to the
10 remaining cards that were not given over to Mr.
11 Kaminski.

12 We believe that the person who should
13 be the subject of the subpoena would be Mr. Harvey
14 Harth whose name has come up so frequently here.

15 MR. BRANDENBURG: Could the Licensees
16 be heard on this?

17 JUDGE GLEASON: Please, I guess.

18 MR. BRANDENBURG: I think the
19 implicit assumption underlined in Ms.
20 Potterfiel 's request is we are here to audit
21 every single feature of radiological response
22 planning near Indian Point.

23 Now, I see under question three and
24 four it's much more limited, which is their
25 compliance with the NRC regulations responding to

1 emergency planning, and are there feasible
2 specific offsite measures that can be developed to
3 improve that capability.

4 Now, I see nothing in the question
5 three and four charter that we have that requires
6 chasing down every single little nuance such as we
7 would be doing if we accepted Ms. Potterfield's
8 request.

9 We have had generalized testimony as to the
10 approaches, the techniques, the concepts that have
11 been used by the various counties in responding to
12 a number of the special populations, what their
13 approaches are, what their plans are and so forth;
14 and atomizing this to the extent that Ms.
15 Potterfield's request would do it, I think, just
16 exceeds the scope of question three and four.

17 MR. HASSELL: May I comment?

18 JUDGE GLEASON: Yes, go ahead.

19 MR. HASSELL: I guess the Staff's
20 only comment would be that we find this rather
21 late in the day. I can recall, to the best of my
22 recollection, testimony regarding Harvey Harth and
23 the possession of the cards last year.

24 Just seems to me that this
25 application should have been made earlier.

1 JUDGE GLEASON: Well, that's the
2 concern I have about the lateness of time.

3 MS. VETERE: May I be heard on this?

4 JUDGE GLEASON: Just a moment, please.

5 Ms. Vetere?

6 MS. VETERE: Yes. It's because of
7 the intervenors' interest in this area that I
8 brought Mr. Kaminski on to talk about the mobility
9 impaired.

10 Westchester County is confident that
11 Mr. Harth gave Mr. Kaminski all the cards of the
12 people who checked on the card that they needed
13 transportation, that they needed special
14 transportation.

15 JUDGE GLEASON: So what would be the
16 relevancy of your request, Ms. Potterfield?

17 MS. POTTERFIELD: I then need to make
18 an offer of proof, Judge, of a document we have
19 given in discovery from the Westchester County
20 Office of Disaster and Emergency Services that
21 indicates that there was, at that time, 318
22 transportation requests among the 1,200 cards,
23 that there were 54 wheelchair requests, 15 people
24 confined to bed, 164 needing special
25 accommodations.

1 I'll show this document to the Board.

2 JUDGE GLEASON: Well, even if that
3 testimony is valid, Mr. Kaminski has evaluated
4 that to reduce the number to 250, if I
5 understand him correctly.

6 MS. POTTERFIELD: No, sir.

7 JUDGE GLEASON: 253.

8 MS. POTTERFIELD: Mr. Kaminski's
9 testimony is that he only recieved 253 cards from
10 Mr. Harth.

11 We have information here that
12 indicates Mr. Harth had 1,100 cards and that among
13 those, 318 requested special help with
14 transportation.

15 There's 800 people which I don't
16 think is a nuance, particularly in light of
17 contention 3.10 which has been accepted by the
18 Board and in light of the testimony we received
19 from the State of New York yesterday indicating
20 that these concerns were all well taken care of.

21 I'd like to remind the Board that
22 every time we presented a witness who testified
23 about a special disability, they were
24 cross-examined as to whether or not they had
25 returned their special cards.

1 It seemed to be a solution that was
2 suggested by the Licensees and our suggestion is
3 that it simply hasn't worked.

4 JUDGE GLEASON: Well, I don't really
5 know how to -- I don't really know how to
6 evaluate that breakdown of those cards.

7 While Mr Paris is looking at it, is
8 there any cross-examination of the witness?

9 MR. BRANDENBURG: Very briefly, Mr.
10 Chairman.

11 CROSS-EXAMINATION

12 BY MR. BRANDENBURG:

13 Q. Mr. Kaminski, in your supplemental
14 testimony, you state that you have estimated
15 approximately 530 persons in the EPZ who are both
16 home-bound and mobility-impaired.

17 We believe you have just established
18 that you have 235 post cards; but notwithstanding
19 that, you have on page 2 of your testimony the
20 estimate of approximately 530 persons of being
21 home-bound and mobility-impaired.

22 Now, my question is, what given your
23 day-to-day work with the county and your general
24 familiarity with this population of people, what
25 percentage of this group of 530 will you expect to

1 not only be home-bound mobility-impaired but also
2 transit dependent in the event of an emergency?

3 A. I don't know.

4 Q. Do a number of these people have
5 special vehicles that they use in their day-to-day
6 activities or used by family members, things of
7 this sort?

8 A. I don't know.

9 Q. Now, in your testimony, you state
10 that you have inventoried the ambulances and
11 invalid coaches in Westchester County, and you go
12 on to list some statistics and so forth.

13 Do you have any reason to believe
14 that ambulances and invalid coaches from
15 surrounding areas outside of Westchester County
16 would not be available in the event of an actual
17 emergency?

18 A. Where are you suggesting? Putnam?

19 Q. Putnam, Orange?

20 A. I would assume Putnam would have its
21 own problems.

22 Q. Well, how about areas that were not
23 in area that was suggested for evacuation, New
24 York City, things of that sort?

25 A. We haven't contacted anyone in New

1 York City.

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

4 MR. CZAJA: I have no questions.

5 JUDGE GLEASON: Staff?

6 MR. HASSELL: I have no questions.

7 JUDGE GLEASON: Do either of you
8 gentlemen?

9 JUDGE SHON: No.

10 JUDGE PARIS: The total number of
11 cards used for mobility-impaired was what?

12 THE WITNESS: 235.

13 JUDGE PARIS: Well, you are not
14 familiar with the card. This lists --

15 JUDGE GLEASON: Just ask him or tell
16 him what's on the card or you can show it to him.

17 MS. POTTERFIELD: Judge Gleason, I
18 suggest that I get the list marked and then I can
19 show it to the witness, perhaps, if that's easiest.

20 JUDGE PARIS: Okay. Let's do that.
21 Because I think you are misreading the list
22 because there's not an exact --

23 MS. POTTERFIELD: I ask that it be
24 marked UCS NYPIRG 17.

25 JUDGE GLEASON: The document will be

1 so marked.

2 (UCS NYPIRG 17 was marked for
3 identification.)

4 JUDGE PARIS: Ms. Potterfield, why
5 don't you show the witness, UCS NYPIRG 14?

6 MS. POTTERFIELD: I don't remember
7 what that is.

8 JUDGE GLEASON: This one.

9 MS. POTTERFIELD: That's already been
10 marked as WBCA-1.

11 JUDGE GLEASON: No. That's a
12 different one.

13 MS. POTTERFIELD: Sorry.

14 JUDGE GLEASON: Here it is.

15 JUDGE PARIS: Use any brochure.

16 JUDGE SHON: Show him any brochure,
17 just so he can see the card.

18 JUDGE PARIS: Mr. Kaminski, you see
19 the fill-in side of the mail-back card on the
20 brochure?

21 THE WITNESS: Yes.

22 JUDGE PARIS: Okay. You see under
23 the category "Special Emergency Assistance
24 required"?

25 THE WITNESS: Yes.

1 JUDGE PARIS: There's three things
2 that can be checked, "Special Limitation" in
3 addition to "Siren Warnings," "Transportation in
4 the event of evacuation" and "Special
5 accommodation for the Physical Impairment," "Medical
6 conditions."

7 Now, in the next section, there is
8 "Nature of Special Condition: Hearing impaired,
9 sight impaired, wheelchair, disability and
10 confined to bed."

11 Now, I ask you to look at the list.

12 MS. POTTERFIELD: He has a copy of
13 the list.

14 JUDGE PARIS: There is a category on
15 that of, "Transportation needy" or something to
16 that effect.

17 Would you read that?

18 THE WITNESS: Yes. "Transportation
19 318..." Is that the one you were referring to?

20 MS. POTTERFIELD: Yes.

21 JUDGE PARIS: Okay. Now, below that,
22 there is an entry of 98 that indicated "Hearing
23 impaired." Do you see that?

24 THE WITNESS: Yes.

25 JUDGE PARIS: And 75 that indicated

1 "Sight impaired."

2 THE WITNESS: Yes.

3 JUDGE PARIS: And 54 that indicated
4 "wheelchair disability" and 15 that indicated
5 "Confined to bed." Is that right?

6 THE WITNESS: Yes. None of which are
7 necessarily mutually exclusive.

8 JUDGE PARIS: They are not
9 necessarily mutually exclusive. Does it appear to
10 you that the 318 who indicated their need for
11 transportation are different from the 98 or may be
12 different from the 98, 75, 54 and 15 under the
13 physical difficulties impairment categories?

14 THE WITNESS: I don't know what the
15 intent of the person putting this list together
16 was. I know some of the cards have duplicate
17 checks, so that, for example, somebody would have
18 checked "Special transportation" and at the same
19 time checked "Sight impaired" and "Wheelchair."

20 JUDGE PARIS: Okay. We have been
21 using, as I understand it it, in the hearing this
22 week, the term "mobility-impaired" to indicate a
23 physical impairment, such as hearing, sight,
24 wheelchair or confined to bed.

25 Obviously, some of those things might

1 not be mobility-impaired.

2 If I told you that if you add up the
3 ones under "Physical impairments" there, that is
4 if you add up the "Hearing impaired," the "Sight
5 impaired," the "Wheelchair disabled" and the
6 "Confined to bed," you get a total of of 242.

7 Does that look reasonable to you? Do
8 you want to add it?

9 THE WITNESS: I'll accept your number.

10 JUDGE PARIS: Which is how far off
11 from the 253?

12 THE WITNESS: Sounds like seven.

13 JUDGE PARIS: Seven. Okay. I guess
14 I have done enough today. All right. Thank you.

15 I would like to say, Mr Kaminski, and,
16 Ms. Vetere, that I have been concerned about
17 what's happened to these cards all week. I'm glad
18 to learn finally that you got them and you are
19 going to do something with them.

20 MS. POTTERFIELD: I renew my request
21 for a subpoena. It may be that I just didn't
22 follow Judge Paris's reasoning, but I still am at
23 a loss to understand -- as I understand it, Mr.
24 Kaminski's testimony, half of the 253 he was given
25 were mobility-impaired.

1 As I read this list, we have 242 that
2 have other problems. We then have 318 that have
3 transportation problems. The list looks to me
4 like it adds up to 1,100 without overlaps, and
5 I'm still at a loss to know what's happened to
6 three quarters of the cards that Westchester
7 County says it received, particularly in light of
8 the emphasis placed on the Licensees on those
9 cards for protection of people with special needs.

10 MR. BRANDENBURG: Mr. Chairman, maybe
11 we could inquire informally through counsel.

12 JUDGE GLEASON: I was going to ask
13 -- I keep hearing his name. Is he still around,
14 Mr. Harth?

15 MS. POTTERFIELD: He was here
16 yesterday. He's not here today.

17 JUDGE GLEASON: Do you know him, Mr.
18 Kaminski?

19 THE WITNESS: I can contact him.

20 JUDGE GLEASON: Can you contact him
21 and find out from him and then have one of the
22 counsel report back, and then we will decide on
23 the subpoena?

24 THE WITNESS: Certainly.

25 JUDGE GLEASON: Do you see the

1 problem?

2 THE WITNESS: Yes.

3 JUDGE GLEASON: If they are
4 duplicates, there's no sense in getting them; but
5 if they are not, we'd like to know why you have
6 less than the number.

7 MS. POTTERFIELD: Thank you.

8 JUDGE GLEASON: Thank you very much
9 for your testimony.

10 That's the last witness we have for
11 today.

12 I would like to take up a couple
13 matters here. I have the Stipulation of the
14 Intervenors' witnesses that have been signed by
15 the parties, most of the parties, and I'd like to
16 get those into the record as much as their proof.

17 Do you have a copy in front of you?

18 MS. POTTERFIELD: No, sir. I'm
19 familiar with them, but if we are going to go
20 through them one by one.

21 JUDGE GLEASON: I was going to say
22 that the Stipulations are approved by the Board
23 except for four stipulations which we do not
24 believe material which we will not permit to go
25 into the record.

1 MS. POTTERFIELD: So the Board is
2 assuming an objection as to materiality to four of
3 the stipulations?

4 JUDGE GLEASON: Yes, on four, and the
5 numbers are 14, 18, 26 and 27.

6 MS. POTTERFIELD: Apart from those
7 four --

8 JUDGE GLEASON: Apart from those, the
9 stipulations that we have will be placed into the
10 record and at our approval by the Board.

11 MS. POTTERFIELD: For identification
12 purposes, we are talking about stipulations to
13 intervenors' witnesses, the second stipulation and
14 third stipulation?

15 JUDGE GLEASON: Second --

16 MS. POTTERFIELD: I submitted three
17 documents.

18 JUDGE GLEASON: You are talking the
19 deposition?

20 MS. POTTERFIELD: The second
21 stipulation that relates to the the depositions
22 and then there's a third stipulation that relates
23 to two witnesses. There are, in fact --

24 JUDGE GLEASON: I was just referring
25 now to the witness's under No. 1 and, I guess, the

1 depositions under No. 2.

2 Those were not approved by the Board
3 for admission into the record but as far as -- I
4 haven't really --

5 MS. POTTERFIELD: The third
6 Stipulation is Mr. Kapasinski whom the Board
7 requested the Licensees to stipulate -- he's the
8 truant officer; Miss Evan Litti, whom the parties
9 agreed to stipulate -- she's number 56 -- and her
10 testimony is annexed to the third Stipulation; the
11 testimony of Intervenors's witnesses.

12 JUDGE GLEASON: We would approve the
13 Stipulation regarding Litti and also with regard
14 to Mr. Kapasinski. So those are approved by the
15 Board.

16 MS. POTTERFIELD: Our objection, of
17 course, is noted to those stipulations that were
18 not approved.

19 JUDGE GLEASON: Yes, we note your
20 objections.

21 Here, these will be admitted into
22 the record.

23 JUDGE GLEASON: I just would make an
24 announcement that we have a couple motions that we
25 think we ought to get resolved.

1 One of which is the Motion to Compel
2 Answers to certain Interrogatories filed with
3 respect to interrogatories submitted to the
4 Parents' Organization and WBCA, and both
5 representatives of those organizations have
6 indicated they would have their responses in
7 tomorrow.

8 This is just a remainder because we
9 need them. These deal with question six.

10 The other motion is with respect to
11 getting sanctions the New York Council on Energy,
12 and we just had a new supplement to that motion
13 which we haven't read.

14 We have been in contact today with
15 Mr. Dean Curran, who was indicated that with
16 respect to the other motion, he would have an
17 answer in our hands by Monday.

18 So I don't know what this does with
19 respect to that, but I realize the schedule
20 problem and we are trying to address it. I don't
21 know whether this is going to complicate it or not.

22 MR. LEVIN: That motion, your Honor,
23 we obtained a copy of one of the studies that he
24 had not previously had. I don't think it should
25 complicate the response process unduly.

1 JUDGE GLEASON: All right. Fine.

2 The remaining item is with respect to
3 scheduling both the tour and the site visit, and
4 we have decided to put that on the 12th of March
5 -- I mean April 12, making sure that the
6 transportation for the tour is in the morning and
7 the site visit is in the afternoon.

8 MR. CZAJA: Judge?

9 JUDGE GLEASON: Yes. Do you have
10 problems with that?

11 MR. CZAJA: Well, it's all of our
12 problems. I guess we have thought about it and
13 what can be fit in in a day.

14 We thought the most efficient way,
15 rather than traveling around in one part of the
16 day and visiting another part of the day would be
17 to travel. Then when you get to the plant, do the
18 plant tour and then resume your travel through the
19 EPZ.

20 JUDGE GLEASON: All right. The only
21 problem we had was with respect to Mrs. Fleisher.
22 She wanted to be present when we toured Rockland
23 County, if I remember right, and so she cannot be
24 there in the afternoon of the 12th.

25 Now there's a possibility that if

1 it's too hectic, we could -- I haven't discussed
2 this with my colleagues, but I'm sure -- I think
3 that they would agree that if we had to stay over
4 a half day, we'd be willing to do that unless you
5 can come up with another part of the -- go ahead.

6 MR. BRANDENBURG: Mr. Chairman, will
7 the Board want a transcript of any remarks that
8 have taken place on that day?

9 JUDGE GLEASON: Pardon me?

10 MR. BRANDENBURG: Will the Board want
11 a transcript?

12 JUDGE GLEASON: Good heavens, no.

13 MR. KAPLAN: You mean the ohs and ahs?

14 JUDGE GLEASON: Absolutely not. We
15 just want to make sure that there's a large enough
16 vehicle that all party representatives go in the
17 same vehicle, that kind of thing.

18 MR. LEVIN: I should let the Court
19 know that we are making an effort to have a
20 meeting at the end of next week, at which time the
21 various parties will attempt to come to some
22 agreement about the route and the schedule and
23 with respect to some facility problems that may
24 arise.

25 We hope to report to the court

1 Tuesday morning, April 5, which I think is the
2 resumption day for the hearings.

3 JUDGE GLEASON: We'll be back. All
4 right. Very good.

5 The other remaining item is with
6 respect to the request by, I believe, the
7 Consolidated Intervenors for this date for the
8 purposes of handling questions three and four for
9 additional time to address deficiencies in the
10 resent drill.

11 The Board believes that the best way
12 to handle that -- first of all, we think it
13 would be unfair to not allow a limited period for
14 the Intervenors and, let's see -- did Rockland
15 County participate in the --

16 MS. POTTERFIELD: To some extent.

17 JUDGE GLEASON: To a limited extent.
18 I remember he indicated he was not going to put on
19 some witnesses. He could not talk about that --
20 and Westchester County to put on a, as I say, a
21 limited number of witnesses to address that aspect.

22 We just think it would be in the
23 interest of fair play to do that. The best
24 arrangement as far as time is concerned, keeping
25 in mind everybody's schedule is to put that same

1 week that FEMA witnesses are to present their
2 testimony, and so what we would suggest to you and
3 we can hear your response back when we get back
4 together, is that we would have the first two days
5 of that week available for witnesses from the
6 Intervenors and from the interested states who
7 participated in the drill -- Mr. Kaplan -- and,
8 then, the last two days for the witnesses for FEMA
9 which would give adequate time for
10 cross-examination of FEMA, and we will even expand
11 the time period for cross-examination to fill up
12 those two days.

13 In other words, we'll take some of
14 the limitations off. So that would be better.

15 Now, does anyone want to comment
16 immediately on that?

17 MS. POTTERFIELD: I just want some
18 clarification on when we would receive, when
19 FEMA's testimony about the drill was to be
20 prefiled and the form of its report and
21 whether --

22 MR. HASSELL: That was my
23 understanding.

24 MS. POTTERFIELD: And we would have
25 that beforehand. We would be interested --

1 JUDGE GLEASON: Well, let's not be
2 too hasty on that, if I might say, and I don't
3 want to get into your business, but I am reminded
4 of a letter that was sent, I think, last month
5 which, in effect, talked about the pressing time
6 that FEMA had between finishing their appraisal
7 and report and testifying before this Board.

8 At that time, of course, they
9 anticipated having to testify on the 19th, which
10 is now the second week. It's a week later than
11 that or two weeks later, in fact -- one week
12 later.

13 So, all I'm saying is that it should
14 be available, you know. I don't want to tell you
15 your business.

16 MR. HASSELL: No, no, it's a proper
17 observation. I can't guarantee it's going to be
18 available the 15th. No one can, but I don't
19 assume their rebuttal case is strictly based on
20 that document.

21 JUDGE GLEASON: I think it would be
22 helpful for them to have it. They have to present
23 their side of the case.

24 FEMA is going to have the last chance
25 in this area, and it would be very helpful to get

1 that report out in time.

2 MR. BRANDENBURG: Mr. Chairman, if we
3 were to cross the Intervenor and the state
4 testimony on the March 9 drill starting on the 26th
5 of April, did the Board envision that that
6 testimony would be prefiled -- the Licensees and,
7 perhaps, some of the other parties would like
8 discovery on that, et cetera.

9 JUDGE GLEASON: You know, the parties
10 are free to work that thing out. There has to be,
11 obviously, a time to discover, if that's necessary.

12 You don't have to take as much time
13 as you ordinarily get.

14 In view of the fact this testimony is
15 fairly limited and it just relates to the drill,
16 that's all that we'll be accepting. We are not
17 going to accept anything beyond that. I think
18 that you ought to work with them and work that
19 schedule out. If you have any problems, then
20 consult us and we'll put something in the Orders,
21 but I really don't think you ought to have that
22 much trouble. All right.

23 MS. POTTERFIELD: I wonder if we have
24 a ruling on our request that we be permitted to
25 present Dr. Lifton on the 31st next week?

1 JUDGE GLEASON: I'll have to talk to
2 my scheduler here, our scheduler here.

3 I think we could probably handle them.

4 MS. POTTERFIELD: Good.

5 JUDGE GLEASON: We may have to go
6 late that evening.

7 MS. POTTERFIELD: Thank you very much.

8 JUDGE GLEASON: That's the date of
9 his testimony.

10 MR. HASSELL: Right. I think
11 allowing for potential evening session, I think we
12 can get through it.

13 JUDGE GLEASON: I don't see there's a
14 lot of time in his, do you?

15 MR. HASSELL: No.

16 MR. KAPLAN: Judge Gleason --

17 JUDGE GLEASON: The other thing, I
18 guess I should say -- and I have one more comment.
19 I should say for the record so everybody knows it,
20 is that the Board appreciates the Stipulation of
21 the agreement that has been worked out with
22 respect to the onsite plans. It does have some
23 questions it wants answered but that shouldn't
24 take a lot of time, but we will bring the
25 witnesses here. We will be hearing from witnesses

1 tomorrow.

2 Can you tell me, Mr Hassell, whether
3 Mr. Sears, who is one of your witnesses for next
4 week, in his original testimony, he answers in
5 response to commission questions three and four?

6 MR. HASSELL: Does he answer?

7 JUDGE GLEASON: You mean yes, does he
8 respond to those questions?

9 MR. HASSELL: I think he does, yes.

10 JUDGE GLEASON: All right. Well,
11 that's about all we have for today, so we'll see
12 you all tomorrow at 9:00.

13 (Hearing adjourned at 4:55 p.m.)

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1 NUCLEAR REGULATORY COMMISSION

2
3 This is to certify that the attached proceedings
4 before

5 THE ATOMIC SAFETY AND LICENSING BOARD
6 in the matter of: CONSOLIDATED EDISON COMPANY OF
7 NEW YORK (Indian Point Unit 2) -
8 POWER AUTHORITY OF THE STATE OF
9 NEW YORK (Indian Point Unit 3)

10 Date of Proceeding: March 24 1983

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

12 Place of Proceeding: White Plains, New York

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

16 *Ruth Bennett*
17 Ruth Bennett

18 Official Reporter

19 *Ryta Roncher*
20 RYTA RONCHER

21 Official Reporter

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

CONSOLIDATED EDISON COMPANY OF NEW YORK)
(Indian Point Unit 2))

) Docket Nos. 50-247 SP
) 50-286 SP

POWER AUTHORITY OF THE STATE OF NEW YORK)
(Indian Point Unit 3))

) March 22, 1983
)

SECOND STIPULATION
TO TESTIMONY OF
INTERVENORS' WITNESSES

The undersigned attorneys for Intervenors, the NRC Staff, Con Edison, Power Authority, ~~and the State of New York Energy Office~~, hereby stipulate as set forth in the attached stipulations #7 and #12, subject to objections as to relevance and materiality.

Dated this 22nd day of March, 1983

Amanda Potterfield
AMANDA POTTERFIELD, ESQ.
For the Intervenors
Donald F. Hassell
DONALD F. HASSELL, ESQ.
For the N.R.C. Staff

SHEA & GOULD
By *Richard F. Czaja*
RICHARD F. CZAJA, ESQ.
For Power Authority
Brent L. Brandenburg
BRENT L. BRANDENBURG, ESQ.
for Con Edison

~~JONATHAN PEINBERG, ESQ.
For the State of New York
Energy Office~~

If called to testify, the intervenor witnesses named below would testify that they have received the public information about emergency planning that has been distributed to the general public, and that they believe they do not have sufficient information to answer their practical questions about the preparations which have or have not been made to assure attention to the needs and safety of their children, their relatives, or of other persons for whom they are responsible. If called to testify, the cross-examination of those witnesses would be the cross-examination of Judith Glass, #157, as reflected in the transcript of her deposition of March 10, 1983 annexed hereto and incorporated herein by this reference.

Loretta Brundage, #55

Lynn Gunzenhauser, #8

Michael Robinson, #101

Joan Livingston, #114

Phyllis Mendelsohn, #155

Judith Glass, #157

Katherine Feit, #167

STIP

If called to testify, the intervenor witnesses named below would testify that they are parents who work or who for other reasons occasionally leave their children home alone, and who do not believe they have been given sufficient information as to what to tell their children to do in case a radiological emergency is announced when the children are home alone. If called to testify, the cross-examination of the witnesses named below would be the cross-examination of Barbara Hickernell, #7, as reflected in the transcript of her deposition of March 10, 1983, annexed hereto and incorporated herein by this reference.

Karen Henes, #9

Helen Balgooyan, #72

Daniela Misch, #129

Elise Lentz, #136

Lillian Moore, #130

Barbara Hickernell, #7

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CONSOLIDATED EDISON COMPANY OF NEW YORK) Docket Nos. 50-247 SP
(Indian Point Unit 2)) 50-286 SP
)
POWER AUTHORITY OF THE STATE OF)
NEW YORK)
(Indian Point Unit 3)) February 28, 1983

STIPULATION TO TESTIMONY OF
INTERVENORS' WITNESSES

The undersigned attorneys for intervenors, the NRC Staff, Con Edison, Power Authority, and the State of New York Energy Office, hereby stipulate as set forth in the attached Stipulations #1, #3, #4, #5, #6, #10, #13, #14, #15, #17, #18, #20, #21, #23, #24, #25, #26 and #27, all subject to objections as to relevance and materiality.

The undersigned attorneys for intervenors further agree that the witnesses listed at pages 3-4 of intervenors' memorandum, dated February 28, 1983, will not be called as witnesses herein.

The undersigned attorneys further stipulate that the New York State Radiological Emergency Response Plan ("RERP") as of March 15, 1983 be received into evidence as NYS Exhibit 1. This stipulation is without prejudice to the

CR. 14-18-26-27

right of any party to offer into evidence revisions to the RERP that become available subsequent to March 15, or to the right of any party to object to the admission of such subsequently available revisions.

Dated this 28th day of February, 1983.

SHEA & GOULD

Amanda Potterfield

AMANDA POTTERFIELD, ESQ.
For the intervenors

Donald F. Hassell

DONALD F. HASSELL, ESQ.
For the N.R.C. Staff

By

Richard F. Czaja

RICHARD F. CZAJA, ESQ.
For Power Authority

Brent L. Brandenburg

BRENT L. BRANDENBURG, ESQ.
For Con Edison

Jonathan Feinberg by Amanda Potterfield

JONATHAN FEINBERG, ESQ.
For the State of New York Energy
Energy Office

STIPULATION #1: Relating to Contention 3.1

If called to testify, the intervenor witnesses named below would testify that they did not hear the prompt notification system sirens, they found the sirens barely audible, or they were unable to distinguish the sirens from other types of sirens during the exercise of March 3, 1982 in the locations specified by each witness and identified below, opposite the name of the witness:

Mabel Cronk, #6	801 South Main Street Peekskill, New York
Jamie Green, #12	40 Riverview Trail Croton-on-Hudson, New York
Patsy Chazen, #13	7 Truesdale Drive Croton-on-Hudson, New York
Arlene Tift, #92	153 Cortlandt Street Croton-on-Hudson, New York
Susan Scheffel, #123	Adult Career Guidance Center Pinesbridge Road Yorktown Heights, New York
Phyllis Mendelsohn, #155	Croton Community Nursery School 25 Van Wyck Street Croton-on-Hudson, New York
Margaret Davis, #163	Croton Community Nursery School Croton-on-Hudson, New York
Agata Craig, #11	25 Mountain Trail Croton-on-Hudson, New York
Gertrude and Henry Gillette, #14	33 Battery Place Crugers, New York

STIPULATION #4: Relating to Contention 3.1

If called to testify, the intervenor witnesses named below would testify that they would use the telephone to try to get information about the development of the emergency or to make personal arrangements or to locate and reunite family members:

Barbara Hickernell, #7	12 Terrich Court Ossining, New York
Patsy Chazen, #13	7 Truesdale Drive Croton-on-Hudson, New York
Phyllis Mendelsohn, #155	Croton Community Nursery School 25 Van Wyck Street Croton-on-Hudson, New York
Agata Craig, #11	25 Mountain Trail Croton-on-Hudson, New York

STIPULATION #3: Relating to Contention 4.7

If called to testify, the intervenor witnesses named below would testify that he or she did not receive the brochure, or received the wrong brochure, or, in the case of Lynn Gunzenhauser, received the proper brochure from the Four County Nuclear Safety Committee two months after it was requested:

Kathy Pierpont, #142	Finney Farm Road, Croton-on-Hudson, New York
Teralyn Woods, #5	1115 Howard Street Peekskill, New York
Mabel Cronk, #6	801 South Main Street Peekskill, New York
Lynn Gunzenhauser, #8	Quaker Ridge Road Croton-on-Hudson, New York
Gertrude and Henry Gillette, #14	33 Battery Place Crugers, New York

STIPULATION #5: Relating to Contentions 3.2, 3.7

If called to testify, the intervenor witnesses named below would testify that they are teachers working within the currently defined plume exposure pathway emergency planning zone, and are familiar with the emergency plans for the Indian Point Nuclear Power Station and with the provisions that require teachers to accompany school children on evacuation buses. Each of these witnesses further would testify that she will be in a severe conflict about the priority of duty to the school children in her care as opposed to her duty to her family, which she considers to be primary, and that she may decide to attend to the needs of her family first.

Breda Curran, #118	Carrie E. Tompkins Elementary School Croton-on-Hudson, New York
Maggie North, #119	Carrie E. Tompkins Elementary School Croton-on-Hudson, New York
Paula Myers, #158	Carrie E. Tompkins Elementary School Croton-on-Hudson, New York
Charlyn Appollonio, #162	Our Montessori School Yorktown, New York
Margaret Davis, #163	Croton Community Nursery School Croton-on-Hudson, New York
Becky Catherall, #113	Carrie E. Tompkins Elementary School Croton-on-Hudson, New York

STIPULATION #9-A: Relating to Contentions 3.7, 4.7

If called to testify, the intervenor witnesses named below would testify that, between January 21, 1982 and June 7, 1982, repeated attempts were made by teachers and parents of students at the Croton Montessori School to get the school included in the Radiological Emergency Response Plans. These witnesses would testify further that, to their knowledge, they received no response to these attempts.

Eleonore Bronzo, #91

Arlene Tift, #92

Lynn Kauderer, #93

STIPULATION #10: Relating to Contention 3.1

If called to testify, intervenor witness #37, Reginald Lambruschi, would testify that he is the Chief of Police of the Village of Croton-on-Hudson, which is located within 5 miles of the Indian Point Nuclear Power Station. Chief Lambruschi would testify that the Police Department of the Village of Croton-on-Hudson, as of June 7, 1982, had only six dosimeters, no protective clothing, and no back-up communications system to use if both the dedicated and regular phone lines should fail, apart from a radio frequency that only reaches Briarcliff, Ossining and Croton, and does not reach Buchanan, the State Police, Peekskill and Yorktown. Chief Lambruschi would testify further that the Police Department of Croton-on-Hudson would warn people not to enter a contaminated area during an evacuation.

STIPULATION # 9-B: Relating to Contentions 3.7, 4.7

The Croton Montessori School was included in the public information brochures, "Indian Point, Emergency Planning, and You", version #1, which was released in February, 1982. Inclusion of the Croton Montessori School in the Radiological Emergency Response Plans for Westchester County is suggested in the "Update Guidelines" of April, 1982.

STIPULATION #6: Relating to Contentions 3.2, 3.7

If called to testify, the intervenor witnesses named below would testify that an unknown number of parents within the currently defined emergency planning zone, whether or not they are familiar with the plans to bus children to reception centers directly from school, have given their children instructions not to leave on evacuation buses. These parents would also testify that they would go to their children's schools to pick up the children before evacuating themselves:

Barbara Hirschman, #116	294 Weaver Street Larchmont, New York
Maggie North, #119	114 North Highland Place Croton-on-Hudson, New York
Myra Spiegelman, #137	100 Radnor Avenue Croton-on-Hudson, New York
Kathy Pierpont, #142	Finney Farm Road Croton-on-Hudson, New York
Sari Eklund, #143	109 Grand Street Croton-on-Hudson, New York
Sherry Horowitz, #146	42 Sunset Drive Croton-on-Hudson, New York
Susan Scheffel, #123	45 Orchard Drive Ossining, New York

STIPULATION #13: Relating to Contentions 3.4, 3.7

If called to testify, the intervenor witnesses named below would testify that they lack confidence in the nuclear facility operators and that they believe their children are anxious about the operation of the Indian Point nuclear power station:

Barbara Hickernell, #7	12 Terrich Court Ossining, New York
Lynn Gunzenhauser, #8	Quaker Ridge Road Croton-on-Hudson, New York
Karen Henes, #9	Bramblebush RFD #1 Croton-on-Hudson, New York
Patsy Chazen, #13	7 Truesdale Drive Croton-on-Hudson, New York
Helen Balgooyen, #72	Journey's End Road Croton-on-Hudson, New York
Barbara Hirschman, #116	294 Weaver Street Larchmont, New York
Daniela Misch, #129	East Mount Airy Road Croton-on-Hudson, New York
Kathy Pierpont, #142	Finney Farm Road Croton-on-Hudson, New York
Sari Eklund, #143	109 Grand Street Croton-on-Hudson, New York
Sheila Rechtshaffer, 132	71 Old Post Road North Croton-on-Hudson, New York
Phyllis Mendelsohn, #155	Oak Place Croton-on-Hudson, New York

Paula Myers, #158

124 Cleveland Drive
Croton-on-Hudson, New York

Elise Lentz, #136

131 Cleveland Drive
Croton-on-Hudson, New York

Lynn Kauderer, #93

222 Cleveland Drive
Croton-on-Hudson, New York

STIPULATION #14: Relating to Contentions 3.7, 4.7

If called to testify, intervenor witness #72, Helen Balgcoyen, would testify that she is familiar with the emergency plans for the area surrounding the Indian Point nuclear power plants, and that she is concerned about what provisions have or have not been made for what she beleives to be a large number of children who are away from school on class trips on many days.

STIPULATION #15: Relating to Contention 3.7

If called to testify, intervenor witness #101, Rabbi Michael Aaron Robinson, would testify that, at Temple Israel, Glengary Road, Croton-on-Hudson, New York, there are 125 children in attendance at Sabbath School on Saturday and Sunday mornings, 30 children in a Youth Program on Sunday nights, and 80 children at Religious School on Monday nights. Rabbi Robinson would testify further that there are not enough vehicles at the disposal of the Temple staff for evacuation of these children. Rabbi Robinson believes that parents are frequently unavailable during the hours their children are left at Religious School. Further, Rabbi Robinson would testify that no radios or T.V. sets are on at the Temple during Religious School hours.

STIPULATION #17: Relating to Contention 3.7

If called to testify, intervenor witness #109, Sister Colleen Murray, would testify that the Holy Name of Mary School in Croton-on-Hudson, New York, has been assigned buses to handle 140 students, in the event of an evacuation, while their actual enrollment is 190. Sister Murray further would testify that there are no contracts between Holy Name of Mary School and the bus companies assigned to transport Holy Name of Mary students in the event of an evacuation. Further, Sister Murray would testify that the administrators of Holy Name of Mary have not been given instructions about how to prepare if sheltering is ordered. Further, Sister Murray would testify that there are children attending school who take medication and that, generally, these children do not have a three-day supply of medication on hand at school. (Sister Murray would testify on the basis of her understanding of the emergency plans for Indian Point as they were in effect in June, 1982.)

STIPULATION #18: Relating to Contention 3.7

If called to testify, intervenor witness #122, Betty Doepken, would testify that she is President of the Yorktown PTA which has a commitment to "promote the welfare of children and youth" and to "secure adequate laws for the care and protection of children and youth." Ms. Doepken would testify, that as a result of this commitment, she believes she is obliged to point out what she perceives as inadequacies and questions pertaining to the Radiological Emergency Response Plan relating to schools.

STIPULATION #20: Relating to Contentions 3.2, 3.7

If called to testify, intervenor witness #160, Joyce Zern, would testify that she is a nursery school teacher who is concerned about her own family; that, if she remains to accompany her students during a radiological emergency evacuation, she is concerned that she will transmit feelings of despair to the children in her care.

STIPULATION #21: Relating to Contention 3.7

If called to testify, intervenor witness #166, Linda Brown, would testify that the Tappan Zee Nursery School should be assigned one van for evacuation rather than two as proposed in the Radiological Emergency Response Plan. If the Tappan Zee Nursery School is evacuated in two vans, one van will be without a teacher to accompany the children and driver.

STIPULATION #23: Relating to Contentions 3.1, 3.10, 4.7

If called to testify, intervenor witness #62, Seymour Greenbaum, would testify that he is a member of the Board of Directors of the Shepherd Center of Cortlandt, a voluntary organization, and that he estimates that, in the town of Cortlandt, there are 1200 to 1500 senior citizens who are frail, have handicapping conditions, or who have no accessible means of transportation.

Mr. Greenbaum would testify that, in his experience, transportation of these senior citizens is a problem under normal circumstances, as for a recreational program. Mr. Greenbaum would testify further that relocation of these frail, elderly people should be accomplished with the help of known, trusted assistants and with individual planning and communication.

Mr. Greenbaum would testify further that, to his knowledge, the Board of Directors of the Shepherd Center has not been informed of any special provisions to plan for and communicate with the senior citizens of Cortlandt.

STIPULATION #24: Relating to Contentions 3.7, 3.10

If called to testify, intervenor witness #72, Helen Balgooyen, would testify that she is a registered nurse and that, in her opinion, the rapidly dividing cells of fetuses, infants and children are more susceptible to environmental factors than the more slowly changing cells of an adult.

STIPULATION #25: Relating to Contentions 3.7, 3.10

If called to testify, the intervenor witnesses named below would testify that they are school teachers or school administrators who are expected to accompany children with special medical needs in case of an evacuation due to a radiological emergency, and that they believe they would not be equipped to minister to the medical needs of their students:

Ruth Isaacs, #117

Carrie E. Tompkins

Elementary School

Croton-on-Hudson, New York

Susan Scheffel, #123

Putnam/Northern Westchester

BOCES

Yorktown Heights, New York

Sister Colleen Murray,

Holy Name of Mary School

#109

Croton-on-Hudson, New York

Joan Livingston, #114

Carrie E. Tompkins

Elementary School

Croton-on-Hudson, New York

STIPULATION #26: Relating to Contentions 3.1, 3.10

If called to testify, intervenor witnesses #9 and #11, Karen Henes and Agata Craig, would testify that they reside in the woods of the Town of Cortlandt and on Mountain Trail in Croton-on-Hudson, respectively, and that if an evacuation were ordered at a time when they had no personal transportation nor access to transportation from others in the near vicinity, they believe they would be required to walk as many as one and one-half miles before reaching the nearest bus stops.

STIPULATION #27: Relating to Contentions 3.1, 3.3

If called to testify, intervenor witness #13, Patsy Chazen, would testify that, whenever a commuter train arrives and departs at the Croton train station, the traffic makes it difficult to get out of Benedict Boulevard and onto South Riverside Street in Croton-on-Hudson.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)

Docket Nos

50-247-SP
50-286-SP

March 24, 1983

PARENTS CONCERNED ABOUT INDIAN POINT
CROSS EXAMINATION PLANS
ANDREW P. O'ROURKE, MICHAEL KAMINSKY
PEGGY ROSENBLATT, MICHAEL DELLAROGGA
BRUCE PODWAL

ANDREW P. O'ROURKE

Parents Concerned About Indian Point plans to cross
examine Mr. O'Rourke in the following areas:

Information on which the "send children home early" plan
is based.

Effect of "send children home early" on evacuation time
estimates.

Mission of the "Executive Work Sessions Group".

Special facilities excluded from the plan.

Status of school reception centers.

Revision of emergency planning brochure.

Endorsement of "early dismissal concept" by school ad-
ministrators, teachers, and parents.

Characteristics of transportation dependent population.

Evaluation of training for emergency workers.

Utility funded position, "Coordinator for Indian Point Affairs."

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----X
ATOMIC SAFETY AND LICENSING BOARD
BEFORE ADMINISTRATIVE JUDGES:

JAMES P. GLEASON, CHAIRMAN
FREDERICK J. SHON
DR. OSCAR H. PARIS

In the Matter of:

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
(Indian Point, Unit No. 3)

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit No. 3)

-----X

Ossining Public Library
Croton Avenue
Ossining, N.Y.

March 10, 1983
6:00 p.m.

DEPOSITION OF JUDITH GLASS, taken pursuant
to Stipulation by and between counsel for the
respective parties herein.

Reporter: Leslie M.
Arzoomanian

IRVING WALDMAN
Court & Freelance Reporting
380 Mc Lean Avenue
Yonkers, N.Y. 10705
Tel: (914) 476-7728
Service (212) 828-1400

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

SHEA & GOULD, ESQS.

Attorneys for Consolidated Edison
Company of New York, Inc.
330 Madison Avenue
New York, New York 10017

BY: DAVID H. PIKUS, ESQ.,
of Counsel

AMANDA POTTERFIELD, ESQ.

Attorney for Intervenors Jointly,
NYPIRG/UCS
New York Public Interest Research
Group, Inc.
9 Murray Street
New York, New York 10007

Also Present:

Pat Posner, PCAIP
Joan Holt, NYPIRG

oOo

MS. POTTERFIELD: This deposition is
taken by agreement of counsel for the Power Authority
of the City of New York and the Nuclear Regulatory Staff.

This deposition is taken on the condition
that the testimony that is given by Miss Glass during
this deposition will be stipulated into evidence as
testimony as though it were given before the Atomic
Safety and Licensing Board in this proceeding.

Otherwise, the deposition is taken for
the purpose of determining whether a stipulation can

1
2 be reached among the parties to eliminate the
3 testimony of the following witnesses: Loretta
4 Brundage, Lynn Gunzenhauser, Michael Robinson,
5 Joan Livingston, Phyllis Mendelsohn and Katherine
6 Feit, with the stipulation that the cross-examination
7 of these witnesses will be the same as the cross-
8 examination of Miss Glass.

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10 o0o

11 J U D I T H G L A S S, 44 Coachlight Square,
12 Montrose, New York, having been first duly sworn
13 by Leslie M. Arzoomanian, a Notary Public of the
14 State of New York, was examined and testified as
15 follows:

16 MS. POTTERFIELD: You have been sworn
17 and you have given us your name and address?

18 THE WITNESS: Yes.

19 MS. POTTERFIELD: Do you have before you
20 the testimony that you wish to submit before the
21 Atomic Safety and Licensing Board in this proceeding?

22 THE WITNESS: Yes.

23 MS. POTTERFIELD: Did you prepare that
24 testimony yourself?

25 THE WITNESS: Yes, I did.

MS. POTTERFIELD: Do you have any addition
or corrections to that testimony?

THE WITNESS: No.

MS. POTTERFIELD: Is it true and correct
to the best of your information and belief?

THE WITNESS: Yes, it is.

MS. POTTERFIELD: I move that this
testimony be marked as an exhibit, Glass Exhibit 1,
for this deposition at this time.

MR. PIKUS: I have no objection and would
stipulate to the admissibility of the exhibit marked
as Glass Exhibit 1 at the hearing, in the event that
we are unable to agree on a stipulation that would
involve other witnesses, and provided that the
deposition transcript could be read into the record
in lieu of cross-examination.

(Testimony of Judith Glass, dated June 1,
1982, consisting of two pages, with Judith Glass'
signature appearing thereon, received and marked
as Glass Exhibit 1 for identification.)

EXAMINATION BY

MR. PIKUS:

Q Ms. Glass, turning your attention to what was
just marked as Glass Exhibit 1. Do you have any changes

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2 that you could make to the testimony as a result of the
3 interval of approximately eight months since the time
4 it was filed?

5 A No.

6 Q Are you aware of any changes in the Emergency
7 Planning for Westchester County that might make some of
8 the material contained in your testimony outmoded or
9 irrelevant?

10 A Not to my knowledge.

11 Q Do you have any children of your own?

12 A Yes; one daughter.

13 Q How old is she?

14 A Nine.

15 Q Where do you live?

16 A I live in Montrose, New York.

17 Q I take it your testimony is limited to the
18 students for whom you are responsible?

19 A Well, it wrote it as a teacher. However, a
20 lot of what I feel has to do with being a parent as well
21 in this given situation.

22 Q Nothing in your testimony, marked as Glass
23 Exhibit 1, nowever directly addresses the problem that
24 your own child might face in an emergency; is that correct?

25 A That's correct.

2 Q Ms. Glass, I am going to show you a copy
3 of a document entitled "Indian Point, Emergency Planning,
4 And You."

5 MR. PIKUS: I would ask the Reporter
6 to mark this as Class Exhibit 2.

7 (Booklet entitled "Indian Point,
8 Emergency Planning And You," received and marked
9 Glass Exhibit 2 for identification.)

10 Q Ms. Glass, have you ever seen the document
11 marked Glass Exhibit 2 before this evening?

12 A No.

13 Q Do you recall ever having received an
14 emergency planning brochure in the mail?

15 A No.

16 Q Have you ever discussed the subject of
17 emergency planning for Indian Point with your students?

18 A No.

19 Q Have any of your students ever expressed
20 concern to you about the operation of the Indian Point
21 Power Plants?

22 A No. They're very young. They're in nursery
23 school. They're three-year olds.

24 Q Approximately how many students are you
25 responsible for?

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A Thirteen.

Q I take it that they all have parents?

A Yes.

Q How do they generally arrive at school in the morning?

A Generally, by individual parents or car pool.

Q I take it that the persons who drive in the car pool are other parents?

A Yes.

Q Are they picked up to leave school in the same manner?

A Not necessarily. Sometimes they are picked up by babysitters.

Q These are all people who have automobiles?

A Yes.

Q Have you made any attempt to obtain any information that you believe is necessary to be better prepared to respond to a possible radiological emergency at Indian Point?

A Not outside of my testimony, which I hoped would be the source of my receiving some information.

Q I take it then by filing your testimony, you believed somebody would read your testimony and then contact you in order to address your concerns?

1
2 A If not personally, then generally. But, no,
3 I haven't otherwise.

4 Q Could you tell us what your understanding is
5 of the proceeding for which you filed this particular
6 piece of testimony, marked Glass Exhibit 1?

7 A How it came about?

8 Q Yes; how you came to file this particular
9 piece of testimony and in what connection you believe
10 this testimony is going to be used.

11 Q As a nursery school teacher, I was approached,
12 as were the other teachers in my school, and we were asked
13 to prepare testimonies. First we were asked how we felt
14 about the drill last year and then we were asked to prepare
15 testimonies according to how we felt as teachers.

16 Q Who asked you to prepare this testimony?

17 A A woman from Croton who was a parent at the
18 nursery school as well.

19 Q Would you be able to identify this woman?

20 A Agata Craig.

21 Q Did you know Ms. Craig before she approached
22 you in connection with the testimony?

23 A Yes, because her son was one of my students.

24 Q Did Ms. Craig indicate to you that she
25 represented any particular organization?

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A Parents Concerned About Indian Point.

Q Did you understand at that time that they had a particular position on the operation of the Indian Point Plant?

A Yes.

Q What did you understand that position to be?

A A negative one.

Q In fact, their position was that the Plant should be shut down; is that correct?

A Yes; I understood that.

Q Did they make any effort to educate you as to what the content of the Emergency Planning for the Indian Point area was?

A Would you rephrase that?

Q At the time that Ms. Craig approached you to prepare your testimony, did she give you any information concerning what was the content of the Emergency Planning for the Indian Point area?

A No, she didn't. She gave me no other information other than what I had read or been prepared for by the Local.

Q Did Ms. Craig advise you in any way as to the source of the risk posed by the Indian Point Power Plants, more specifically, how a radiological emergency

1
2 might occur there?

3 A No. The conversation leading up to my
4 testimony only had to do with how I felt about the
5 evacuation.

6 Q Do you recall exactly what Ms. Craig said
7 to you?

8 A She was asking all the teachers to write
9 testimonies because all the general feelings seemed to
10 be the same, that we couldn't hear the sirens, first of
11 all, and second of all and more importantly, the fact
12 that it was so terribly confusing, as was stated. The
13 plans were confusing, both as a teacher and as a parent.

14 Q I'm a little confused, Ms. Glass. You have
15 indicated that you didn't know the content of the Plan,
16 but you're telling me that the Plan was confusing. Could
17 you explain that to me?

18 A You mean did I know they were supposed to go
19 to specific areas in White Plains, to be at this particular
20 school if you were from that district?

21 Q Yes.

22 A Yes; I had a vague idea. That was the most I
23 had. I knew that there was a lot of content, but I would
24 not be specific about it. I didn't understand it.

25 Q From where did you get the information?

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2 A I can't exactly remember. I think there was
3 a leaflet or was it in the newspaper? I don't know.
4 I know we had a meeting at the nursery school and we
5 were given material, the information, through this and
6 there was something printed, which I no longer have.

7 Q Do you recall who met with you?

8 A It was mostly teachers and parents in the
9 nursery school. It was not any kind of group.

10 Q Who explained the content of the Plan to you?

11 A The director of my nursery school at the time,
12 from what her understanding was.

13 Q Would you tell us your best recollection of
14 what the director told you?

15 A Just that these were the supposed plans.
16 This is what we were supposed to do in case of an accident
17 and everybody was thoroughly confused.

18 Q What did she tell you to do?

19 A We were supposed to go to some specific school
20 in White Plains.

21 Q Do you recall what the name of the school was?

22 A No; I really don't know.

23 Q Were you to accompany your children there?

24 A This was a tremendous issue. Nobody got that
25 far because we began discussing the fact that we had other

1
2 children someplace else and were we really prepared to
3 take these tiny little children to a place so completely
4 unknown to them. We didn't discuss it as if we were
5 really going to do it.

6 Q Did you express your desire for further
7 information to the director?

8 A Yes.

9 Q What was the director's response?

10 A She agreed.

11 Q Do you know whether the director attempted
12 to obtain further information?

13 A I don't know exactly. She was on the verge
14 of resigning. She may be for her own information at
15 that point; but I don't really know.

16 Q Is she still the director?

17 A No.

18 Q You have a new director?

19 A Yes.

20 Q Has the new director provided you with any
21 additional information about the Emergency Plan?

22 A She hasn't provided us with any further
23 information. She has received some sort of radio.

24 Q If I called it a tone alert, would it be
25 accurate?

1
2 A That name doesn't ring a bell. It also gives
3 storm warnings.

4 Q Is it fair to say that it is a radio that
5 activates itself in the event that there is some sort
6 of emergency?

7 A All I know is that when she knew that
8 yesterday there was going to be another--that the sirens
9 were going off, she did not plug it in because she said
10 that it was too loud. So, I guess if it's not plugged
11 in, it's not self-activated. I don't know. I really
12 don't know.

13 Q Do you know whether it was the operators
14 of the Indian Point Power Plant who provided this device
15 for you?

16 A As a matter of fact, I just want to say that
17 I'm not positive of this. I think that an employee who
18 might be a parent or a parent who might be an employee at
19 Con Edison gave the radio to the present director.

20 Q Do you know what the original source of your
21 former director's information concerning the Emergency
22 Plan was?

23 A I guess the same as all of us; the news and
24 just what was made available to the public.

25 Q It is your testimony that the director either

1
2 read about this in the newspaper or heard it on the radio
3 and then decided to hold a meeting with the teachers--

4 A Yes.

5 Q --and then instructed you about the Plan?

6 A Yes.

7 Q Did the director tell you this or are you
8 simply inferring that this is what happened?

9 A I'm inferring, only because I know she is
10 not associated with any particular group and she was
11 simply very concerned for the welfare of the people in
12 her school.

13 Q Did the director tell you that she had met
14 with anyone from the firm Parsons, Brinckerhoff, Quade &
15 Douglas?

16 A No.

17 Q Did she indicate to you that there was a
18 consulting firm that was in the process of preparing
19 emergency plans for the four counties surrounding Indian
20 Point?

21 A It sounds familiar, but this is a year ago.
22 I knew that there were further investigations being made
23 to find out, but I'm not really that clear.

24 Q Did your former director ever mention anyone
25 by the name of Harvey Harth?

1
2 A No, not to my knowledge. I've never heard
3 of him.

4 Q Have you ever heard of any organization known
5 as the Four County Nuclear Safety Committee?

6 A No.

7 Q Have you ever heard of a consulting firm by
8 the name of E.D.S. Nuclear?

9 A No.

10 Q Have you ever heard of a gentleman by the
11 name of Dennis Behr?

12 A No.

13 Q Have you ever heard of a woman by the name
14 of Peggy Rosenblatt?

15 A No.

16 Q Subsequent to your conversation with Ms. Craig,
17 did you make any further attempts to obtain information
18 about emergency planning for Indian Point?

19 A No, I didn't.

20 Q Are you aware that there is a toll-free
21 number for people who desire further information about
22 Indian Point to call in order to obtain further information?

23 A No.

24 Q Did you ever learn that there were various
25 groups, such as Parents Concerned About Indian Point, who

1
2 were conducting activities in the Indian Point area
3 concerning emergency planning for the Indian Point Plant

4 A Did I know that they were conducting activities

5 Q Yes.

6 A No. I know of the existence of the group,
7 but I don't keep up with what they're doing all the time

8 Q I take it then that you did not ask anyone
9 associated with any of these groups that were supporting
10 the closing of Indian Point where you might be able to
11 obtain further information?

12 MS. POTTERFIELD: I have to object to
13 the characterization of "these groups." We have
14 only talked about Parents Concerned About Indian
15 Point.

16 MR. PIKUS: The objection is well-taken.
17 Let me see if I can cure the objection.

18 Q Are you aware that there are other groups
19 besides Parents Concerned About Indian Point who have
20 been conducting activities in the Indian Point area to
21 the end of obtaining the closing of the Indian Point
22 Plants?

23 A Well, I know about it because it's always on
24 the news, or at least often.

25 Q Can you identify any other groups, other than

1
2 Parents Concerned About Indian Point?

3 A By name?

4 Q Yes.

5 A No.

6 Q Have you made any attempt to obtain information
7 from Parents Concerned About Indian Point or anyone
8 associated with any of the other groups about the Emergency
9 Plan for Indian Point?

10 A Not really.

11 Q Have you attempted to contact the Power
12 Authority of the State of New York for further information?

13 A No, I haven't. I suppose that I'm waiting
14 to hear about what's going to happen after next week.
15 You know, everything is sort of on hold. So I haven't.

16 Q Would it be fair to say that you filed your
17 testimony and are now waiting for the results of the
18 hearings being conducted by the Atomic Safety and Licensing
19 Board before further pursuing your quest for information?

20 A I don't know if that would be a fair statement.
21 I'm not just waiting to see what the results will be. It
22 is just that I'm not terribly active in the situation.
23 Yes, I want to know, but I guess like most people, my
24 daily life takes up the time and I haven't taken the time
25 to find out, which makes me feel guilty.

1
2 Q Ms. Glass, you referred a few minutes ago
3 to a parent of one of your students who was an employee
4 of Con Edison, did you not?

5 A Yes.

6 Q Have you attempted to obtain any information
7 about Indian Point or the emergency planning for Indian
8 Point from that particular parent?

9 A No.

10 Q Very early on in the deposition you referred
11 to an emergency drill. Were you referring to the
12 emergency exercise that was conducted in March of 1982?

13 A Yes.

14 Q Are you aware that there was another exercise
15 held on March 9th, 1983, which would be yesterday, for
16 the Indian Point Plants?

17 A Yes.

18 Q Did you hear the sirens at that time?

19 A Yes, I did.

20 Q Did your children hear the sirens?

21 A They were too noisy to hear them. They
22 really didn't notice them.

23 Q What type of information would you like to
24 have concerning the Emergency Plan for Indian Point?

25 A It's hard to say, because I feel very, very

1
2 conflicted as far as my position as a teacher and a
3 parent is concerned. Despite what they might say to do,
4 I'm not sure that I would, in all good faith, be able to
5 do it.

6 Q By "they," who are you referring to?

7 A The people who make up the Plan.

8 Q Are you aware that the Plan is now maintained
9 by the State of New York, the State Government?

10 A Yes.

11 Q Have you made any attempt to contact the
12 State Government of New York concerning the Plan?

13 A No.

14 Q Have you made any attempt to contact anybody
15 working for Westchester County concerning the Plan?

16 A No.

17 Q Would you like information concerning the
18 operation of the Indian Point Plants, the actual manner
19 in which it produces electricity and the probability of
20 any kind of an accident occurring there?

21 A Well, I get that included in my bill every
22 month, the little leaflet.

23 Q I take it there's nothing in the bill that
24 refers to the Emergency Plan?

25 A No.

1
2 Q Is there any specific information that
3 would be helpful to you in terms of assisting yourself
4 and your students to respond in the event that there
5 were a radiological emergency, if you know?

6 A It's very hard to say. There are too many
7 elements involved.

8 Q Do you believe that there are other types
9 of emergencies that would require you or your students
10 to make some sort of response?

11 A Sure.

12 Q Could you tell us what types of emergencies
13 you might be referring to?

14 A Fire. That's the main one I can think of.

15 Q Does your school have a plan for responding
16 to a fire?

17 A Yes.

18 Q Could you tell us briefly what that plan
19 consists of?

20 A We don't do fire drills in nursery school,
21 but we have a fire exit upstairs and three possible exits
22 downstairs. So it's all taken care of. The teachers
23 know what they would do.

24 Q I take it that you would lead the students
25 out of the building by predesignated fire exits, if

1
2 necessary?

3 A Yes.

4 Q Is it your belief that the children would
5 respond to whatever instructions you would give them?

6 A It's my hope. I think they would respond
7 to what I tell them.

8 Q Are you aware that a chemical spill would
9 also require the evacuation of an area that might include
10 your school?

11 A Do you mean a chemical spill from a factory?

12 Q Are you aware that there have been occasions
13 in the past in which large areas have been evacuated in
14 parts of the United States, Canada or elsewhere because
15 of a spill involving toxic chemicals; for example, a
16 railroad car derailment that resulted in leaking gas?

17 A Yes.

18 MS. POTTERFIELD: I think I have to
19 note an objection to the extent that it assumed
20 that there were large areas evacuated. I think it
21 is a little bit vague. The witness has answered.
22 I will just note my objection.

23 Q Let's say that the area might approximate
24 a square mile or so and would require the evacuation of
25 at least several hundred people.

1
2 A Yes, I am aware that those possibilities
3 exist and I often wonder when I hear about them what the
4 people decided to do.

5 Q Your school has no plan other than for a
6 fire; is that correct? That is in terms of responding
7 to emergencies.

8 A I would have to say that's probably right.

9 Q You are not aware of any plan other than
10 that for fire?

11 A No.

12 Q In the event that you were required to
13 evacuate your school and move you and your students out
14 of the distance of ten miles, how would you go about
15 doing it?

16 A Well, I think that the very first thing we
17 would do would be to call the parents or the emergency
18 numbers because these are little people we are dealing
19 with and my first concern would be that their parents
20 would want to know where they are. It would be basically
21 the same thing.

22 Q If you were given a set of instructions, either
23 by written or oral briefing, from government officials
24 or utility operators at Indian Point, would you attempt
25 to follow that plan in the event that there were a radio-

1
2 logical emergency?

3 A Personally? If I were one person alone,
4 not responsible for thirteen little people?

5 Q Assuming that you are a teacher responsible
6 for your children.

7 A I would try to follow the directions, assuming
8 that they would be with the ultimate safety in mind.
9 But if it meant taking all these people to different
10 places away from their parents and not being near my
11 daughter, I don't know how I could comfortably do it.
12 I don't think that I would be able to do it. I would
13 have to follow my own instincts and those of the other
14 teachers with me.

15 Q If the plan also included provisions for the
16 safety of your own child, and I am speaking of your
17 daughter, would that affect your response?

18 A I would like to have her with me when I go
19 with these other children, as I'm sure their parents
20 would like to be with them.

21 Q If there were a provision in the plan that
22 provided for some response that would assure the safety
23 of your child and a response that would involve you
24 leading your students to safety, would you follow that
25 plan?

1
2
3 MS. POTTERFIELD: I object. That
4 question has been answered as best she can. I
5 think it might be too vague for another answer,
6 since the hypothetical we are dealing with is an
7 assurance of safety. I think it has to be more
8 specific.

9 A I find that's what the problem is, because
10 I'm sure ultimately we would all be safe, hopefully.
11 But there are too many sacrifices that the Plan involves
12 as it presently stands.

13 Q Is your daughter in school?

14 A Yes.

15 Q How old is she?

16 A Nine.

17 Q Is she in public school?

18 A Yes.

19 Q Is it your belief that the public school that
20 she attends has a fire plan?

21 A Yes.

22 Q Along the lines of the plan that we discussed
23 for your own school?

24 A Yes.

25 Q Do you believe that that plan adequately
protects your daughter in the event that there would be a

1
2 fire at the school?

3 A Yes.

4 MR. PIKUS: I have no further questions

5 MS. POTTERFIELD: I have a few questions

6 EXAMINATION BY

7 MS. POTTERFIELD:

8 Q You were asked by Mr. Pikus about any changes
9 in the Plan that you had become aware of since you first
10 wrote your testimony. Do you have any present knowledge
11 of any potential changes in the Plan?

12 A About the possibility of a change?

13 Q Yes.

14 A I've heard, but I don't know what it is.

15 Q Where did you hear of this?

16 A I don't read the local newspaper. I'm not
17 sure if I saw it. Sometimes I see the articles and
18 sometimes I hear. I'm not that sure.

19 Q You haven't received any information about
20 the change, have you?

21 A No, not to my mailbox.

22 Q Have you received any information at school?

23 A No.

24 Q You were asked and you testified about your
25 inability to hear the sirens very well last year during

1
2 the drill. Were you in the same location last year in
3 March during the drill as you were yesterday during
4 yesterday's drill?

5 A No. But last year I was in a location that
6 was actually closer to the source of the siren.

7 Q Where were you this year?

8 A This year I was at Croton Community Nursery
9 School.

10 Q Last year where were you?

11 A Holy Name of Mary in Croton.

12 Q You testified that your director of the
13 Croton Community Nursery School was aware that a drill
14 was to take place yesterday; is that right?

15 A Yes.

16 Q Did she instruct the teachers about that drill
17 or did she inform you that it would take place?

18 A She informed us.

19 Q Did she give you any instructions?

20 A No.

21 Q Do you know where she learned or how she
22 learned that a drill was to take place yesterday?

23 A I don't know where she learned it. I heard
24 it on the radio.

25 Q You testified that you had not ever received

1 a booklet such as the one that was shown to you that
2
3 has been marked as Glass Exhibit 2; is that correct?

4 A Yes.

5 Q You never received that at home?

6 A No.

7 Q Your home address is where in relation to
8 your working address?

9 A A few minutes north.

10 Q Is it closer or farther away from the Indian
11 Point Nuclear Plant?

12 A It's much closer.

13 MS. POTTERFIELD: I have no further
14 questions.

15
16 (At which time the deposition of Judith
17 Glass was concluded. Time noted: 7:00 p.m.)

18 *Judith Glass*
19 Judith Glass

20 Sworn and subscribed to before me
21 this 21st day of March, 1983.

22 *Donald L. Sapir*
23 Notary Public

24 DONALD L. SAPIR
Notary Public, State of New York
No. 60-4828848 4741771
Qualified in Westchester County
Commission Expires March 30, 1984
25

C E R T I F I C A T I O N :

I, Leslie M. Arzooonian, a Stenotype Reporter and Notary Public within and for the State of New York, do hereby certify that the witness whose testimony is hereinbefore set forth is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

Leslie M. Arzooonian
Leslie M. Arzooonian

Dated: March 14, 1983

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

2

SHEA & GOULD, ESQS.
Attorneys for Consolidated Edison
Company of New York, Inc.
330 Madison Avenue
New York, New York 10017
BY: DAVID H. PIKUS, ESQ.,
of Counsel

AMANDA POTTERFIELD, ESQ.
Attorney for Intervenors Jointly,
NYPIRG/UCS
New York Public Interest Research
Group, Inc.
9 Murray Street
New York, New York 10007

Also Present: Pat Posner, PCAIP
Joan Holt, NYPIRG

o0o

MS. POTTERFIELD: Same stipulation as
we had for the deposition of Judith Glass.

MR. PIKUS: That is fine with me.

MS. POTTERFIELD: We are ready to begin.

o0o

B A R B A R A K. H I C K E R N E L L, 12 Terric
Court, Ossining, New York, having been first duly
sworn by Leslie M. Arzoomanian, was examined and
testified as follows:

MS. POTTERFIELD: Mrs. Hickernell, do

1
2 you have before you the testimony that you
3 wish to submit before the Atomic Safety and
4 Licensing Board?

5 THE WITNESS: Yes.

6 MS. POTTERFIELD: Did you prepare this
7 testimony yourself?

8 THE WITNESS: Yes.

9 MS. POTTERFIELD: Do you have any
10 additions or corrections to this testimony?

11 THE WITNESS: Yes.

12 MS. POTTERFIELD: Will you let us know
13 at what part of the testimony it appears?

14 THE WITNESS: My children are now ten
15 and thirteen.

16 MS. POTTERFIELD: Where are you referring
17 to?

18 THE WITNESS: The third from the bottom
19 line and the second from the bottom line.

20 MS. POTTERFIELD: Do you have any
21 additions or corrections other than that?

22 THE WITNESS: I don't believe so. I
23 have since learned that the fire siren is
24 different from the Con Ed siren.

25 MS. POTTERFIELD: So that in the middle

1
2 of your testimony where you testify, "Several
3 times when the siren has wailed for over
4 one to two minutes, I have called the police
5 department to see if there truly was a fire,"
6 at the end of that sentence you wish to add
7 that you have since learned that the fire
8 siren is different from the Con Ed siren?

9 THE WITNESS: Correct.

10 MS. POTTERFIELD: Do you have any other
11 additions or corrections?

12 THE WITNESS: No.

13 MS. POTTERFIELD: With those additions
14 and corrections, is this testimony true and
15 accurate to the best of your information and
16 belief?

17 THE WITNESS: Yes, it is.

18 MS. POTTERFIELD: I am marking on this
19 copy of your testimony the corrections that
20 you have noted and if you would initial them
21 if they are correct.

22 THE WITNESS: Certainly.

23 MS. POTTERFIELD: I would like to have
24 this marked as Hickernell Exhibit 1.

25 MR. PIKUS: No objection.

(Testimony of Barbara K. Hickernell,
no date appearing thereon, consisting of one
page, containing Barbara K. Hickernell's
signature, received and marked Hickernell Exhibit
1 for identification.)

MS. POTTERFIELD: Will you read those
corrections, and if they are correct, put
your initials next to them?

(Witness complies.)

MS. POTTERFIELD: You have initialed
them?

THE WITNESS: Yes.

MS. POTTERFIELD: I would ask that
Hickernell Exhibit 1 be admitted as an exhibit
to the depositions to be admitted with the
deposition as testimony in the hearing in
the event that a stipulation is not reached
and as it affects other witnesses.

EXAMINATION BY

MR. PIKUS:

Q Ms. Hickernell, with respect to the change
that you indicated in your testimony concerning the siren
system, are you able to distinguish the Indian Point
emergency siren from the fire siren?

1
2 A I had heard it several weeks ago. I did hear
3 the Indian Point siren when I went outside by accident.
4 When I was in the house, I could not hear. I just
5 happened to go outside, and I am assuming it was the siren
6 because it was far away and it went on, whereas the fire
7 siren is practically in my backyard and it's much louder
8 and the fire siren also has short blasts and a code
9 occasionally.

10 Q Do you recall the date on which you heard
11 the Indian Point siren?

12 A I thought it was a weekday. I'm thinking
13 back. When they tested them all on that Saturday several
14 weeks ago I wasn't home. It wasn't that day. I think
15 it was a preliminary test to that.

16 Q Do you know whether it was a full-power test?

17 A I have no idea.

18 Q Ms. Hickernell, are the ten-year-old daughter
19 and thirteen-year-old son the only children that you have?

20 A Yes.

21 Q How often is the ten-year-old daughter home
22 alone?

23 A For very short periods. Between when she
24 comes home from school and I get home from work. I try
25 to be there. I try to get home at about the time she gets

1
2 home from school.

3 Q Where do you work?

4 A I work in Ossining.

5 Q Do you have a car?

6 A Yes, I do.

7 Q How often is the thriteen-year-old son home
8 alone?

9 A He gets home earlier than she does; approximate
10 ly an hour or forty-five minutes earlier than she does.
11 So he's home for that period.

12 Q I assume that both of these children can
13 read?

14 A Absolutely.

15 Q Do you have neighbors in close proximity to
16 your own home?

17 A Yes.

18 Q Are you aware whether any of them are around
19 during these periods when your children are home alone?

20 A There is an old lady on the one side of me
21 and my neighbor on the other side of me has three children.
22 She's in and out all the time. She works four days a
23 week, so sometimes she's home when the children are there
24 and sometimes she has my children watch her children.

25 Q Are there other people in the neighborhood who

1
2 you know?

3 A I know that they are there. I don't know
4 them. There are two other people on the block whose
5 names I know.

6 Q Are they usually home?

7 A I have no idea.

8 Q Do the people in your neighborhood that
9 you know who you referred to have cars?

10 A Yes.

11 MR. PIKUS: I am going to ask the Reporter
12 to mark this document which is entitled
13 "Indian Point, Emergency Planning, And You
14 Hickernell Exhibit 2.

15 Q I am going to ask you some questions about
16 this document and there are several specific instructions
17 and maps that are contained in this document that refer
18 to specific areas that may be areas other than those
19 in which you reside.

20 (Booklet entitled "Indian Point Emergenc
21 Planning, And You" received and marked
22 Hickernell Exhibit 2 for identification.)

23 A Do you want my booklet?

24 (Off the record discussion.)

25 MR. PIKUS: Could I strike the exhibit

1
2 which I just had marked as Hickernell Exhibit
3 2 and have this document entitled "Indian
4 Point, Emergency Planning, And You," with
5 the number five indicated in the lower
6 right-hand corner of the address page marked
7 as Hickernell Exhibit 2?

8 MS. POTTERFIELD: No objection.

9 (Booklet entitled "Indian Point,
10 Emergency Planning, And You," with number
11 five appearing in the lower right-hand corner
12 of address, received and marked as Hickernell
13 Exhibit 2 and previous Hickernell Exhibit
14 withdrawn.)

15 MR. PIKUS: Would you also strike
16 that part of the instructional section that
17 I put on the record? It's now unnecessary
18 because Mrs. Hickernell has been good enough
19 to provide me with the document that she
20 received.

21 Q Did you receive the exhibit just marked as
22 Hickernell Exhibit 2 in the mail?

23 A It came in the mail, yes.

24 Q Could you tell me approximately when you
25 received it?

1
2 A The post date is there. It was mailed from
3 New York on December 21st, so I received it shortly
4 thereafter.

5 Q The basis of that statement is the post mark?

6 A Yes.

7 Q Had you ever received a brochure similar to
8 this in the past?

9 A Yes.

10 Q Approximately when did you receive that brochure?

11 A I believe it was last March.

12 Q I am going to direct your attention to Pages
13 4 and 5 of Hickernell Exhibit 2, which contain instructions
14 labeled "How you would be notified and staying indoors."
15 I ask you if you have ever read those instructions?

16 A I have read the entire booklet several times.
17 These are instructions that I have read.

18 Q I take it you have read the maps as well?

19 A Yes, I have.

20 Q Has your daughter read this document?

21 A I have gone over the document with her. I
22 have not handed it to her to read. But I have told her
23 the things that have been asked by the Plan.

24 Q In other words, you have conveyed all the
25 instructions that this booklet directs you to share with

1
2 your family members; is that correct?

3 A I have, plus my own personal instructions to
4 them.

5 Q What were your own personal instructions?

6 A I work off Route 134 in Ossining. I work
7 inside and I or the people who work there have yet to hear
8 a siren.

9 So, if there's a siren and I happen to be at
10 work, I want the children to notify me, because I have
11 no way of hearing it.

12 Unfortunately, they're not supposed to use
13 the telephone in these instructions. But, in this particula
14 case, I've asked them and told them that I think this
15 is an emergency and in spite of the fact that they've
16 asked people not to use the telephone, that they have to
17 use the telephone.

18 Q Has there been an occasion of which you are
19 aware that you were at work when the Indian Point sirens
20 were sounding?

21 A I was not at work yesterday during the tests,
22 but people are there, generally, twenty-four hours a
23 day and they haven't heard them.

24 Q You are not aware of the radiological emergency
25 for which the sirens have sounded?

1
2 A For the testing of the siren. So far, they
3 have not heard them.

4 Q Which instructions contained in this
5 brochure have you shared with your son?

6 A My son has read the entire booklet.

7 Q Have you given him any additional instruct-
8 ions?

9 A The same with the telephone call and I
10 have asked him if he is inside not to bring the dog in
11 since we don't have any information about whether or
12 not there is ^{contamination} plutonium; that he is not to bring the dog
13 in and possibly contaminate him and his sister.

14 Q Have you told them that if the emergency
15 broadcast advises residents in the area to stay indoors,
16 that they should keep the family and pets inside the
17 house, assuming that there's been no release, and close
18 the doors and windows and follow the additional
19 instructions that are contained on Page 5?

20 A If there's been no release. But if he
21 doesn't know that, I don't want him to take the chance
22 and take the pet inside.

23 Q You have no reason to doubt the accuracy of
24 of any information that may be broadcast over the
25 emergency system.

1
2 A I have read several books on Three-Mile
3 Island and I know that the information given to the
4 officials was not necessarily correct or up to date.

5 Q Was the information broadcast by the
6 news media incorrect or not up to date?

7 A It was given by the Governor of Pennsylvania,
8 Governor Thornburgh.

9 Q Have you discussed with your children the
10 instructions for leaving home contained on Page 6 of
11 the Emergency Planning brochure?

12 A I have discussed the instructions, yes.

13 Q Are you aware of any recent changes in the
14 Plan?

15 A There is one change that was announced by
16 County Executive O'Rourke, that the children would be
17 sent home rather than being bused to reception centers.
18 Whether that is official and in the new book, I don't
19 know.

20 According to this one, the children will
21 still be bused out to the reception centers and yet
22 yesterday he had them sent home. So, if it were a real
23 emergency, I don't know what he would do.

24 Q Are you aware that Con Ed is in the process
25 of mailing out a revised brochure?

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A Yes.

Q I take it that you have not yet received it?

A No, I have not yet received it.

Q Turning your attention to Page 15 of the document marked as Hickernell Exhibit 2; have you discussed with your children the instructions contained on Page 15?

A I have discussed it with them and I have requested a booklet for each of them, each member of the family, so that the children would know where they and we would be should they be evacuated to the reception centers.

Unfortunately, only one extra was sent.

Q One extra brochure?

A One extra brochure, which is this one. I had wanted the children to have a booklet to keep with them, with their school things, so that when they are at school, they would know where at least their sibling was.

Q Are you married?

A Yes, I am.

Q Where does your husband work?

A He works in Tarrytown.

Q Has he read the brochure, to your knowledge?

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2 A He has read it, yes.

3 Q Has your family agreed on a location where
4 you might meet in the event there was a radiological
5 emergency requiring evacuation?

6 A Not a final agreement. What I have said
7 is that they are to call our nearest relative who is
8 in Philadelphia, who is my mother, and let her know
9 as soon as they are able to reach a phone, providing
10 they are able to use a phone. They are to call her
11 and let her know where they are.

12 Q Have you studied the plans contained in the
13 brochure marked Hickernell Exhibit 2?

14 A I don't know if that's the proper word.

15 Q You've looked at them several times, have
16 you not?

17 A Yes.

18 Q And your children have looked at them?

19 A My son for sure has. What my daughter
20 remembers, I don't know.

21 Q Do you know whether your husband has looked
22 at them?

23 A Yes, he has.

24 Q Have you placed the booklet in a location
25 where it is easily accessible?

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A Right by the door; yes.

Q When you say, "by the door," you are referring to the front door of the house?

A Yes.

Q Am I correct that the other members of your family know where that booklet is?

A Yes.

Q Have you attempted to call the telephone numbers listed on Page 15?

A I don't believe that I did. I'm not sure whether I just sent away for the other booklet or called for it. I'm sorry; I don't remember.

Q When you made the request either by telephone or mail for the additional brochure, did you ask for any other information?

A No. I just requested four brochures.

Q Have you contacted any other source to try to obtain further information about emergency planning for Indian Point?

A Other than getting another booklet, no, I haven't.

Q I take it that you have not contacted either the Power Authority or Consolidated Edison at the addresses contained on Pages 19 and 20 of Exhibit 2?

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2 A We do have some book^{ish} on radiation. I
3 believe this is the only book on emergency planning.
4 There may be something that the N.R.C. put out regarding
5 radiation.

6 Q Did you obtain the booklets that you just
7 referred to on the subject of radiation from either
8 The Department of Health or Consolidated Edison at
9 the addresses listed on Page 19?

10 A No, not at the addresses. We have some of
11 the Con Edison material which I believe is put out
12 by the Edison Electrical Institute, which they give
13 out at the educational center in Buchanan.

14 Q Are you referring to the Indian Education
15 Center?

16 A Yes. We have those pamphlets.

17 Q Have you visited the Center?

18 A Yes.

19 Q Do you believe that Con Edison has made an
20 attempt to convey information about Indian Point?

21 A They certainly have made an attempt to
22 convey information about Indian Point.

23 Q Did they indicate that they would be willing
24 to provide you with further information at your request?

25 A The woman there was most helpful.

1
2 A Yes.

3 Q When you mailed in this card that you just
4 indicated, did you indicate that there were any special
5 problems that your children might experience in the
6 event of a radiological emergency?

7 A Special problems other than what any
8 children would experience, no.

9 Q All you did when you returned this card was
10 to request four brochures?

11 A Yes; and telling them why, that I wished
12 one for each member of the family to carry on their
13 person.

14 Q Have you made any attempts to photocopy the
15 brochure to give to each member of the family?

16 A No, I haven't.

17 Q Have you attempted to obtain any additional
18 information concerning emergency planning from the
19 County Government in Westchester?

20 A No, I haven't.

21 Q Is there anyone, other than the source you
22 have indicated that you turned to in order to obtain
23 four additional brochures, who you have contacted to
24 attempt to gain further information about emergency
25 planning for Indian Point?

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A Not other than asking some questions of our Town Supervisor and village police chief and the formal discussions, hoping that somebody else might shed some light on a couple of the discrepancies, and the teachers. I have spoken to some of the teachers.

Q What are the discrepancies that you referred to?

A The one I particularly am concerned about is if they send the children home, tell the children to shelter, and the children, of course, need to walk outside, but another point, I think in here, they tell you to get in a car, roll up your windows and if you don't have a car, walk two blocks and wait for a bus.

At one point, you are fully exposed to whatever radiation there is, and at the same time, with the cars, you shut everything off.

Q Could you point out to me that specific portion of the brochure that you are referring to as discrepancies?

MS. POTTERFIELD: Are you on Page 6?

THE WITNESS: Right now I'm on Page 5.

A Let me read Pages 5 and 6 very quickly, particularly the last point, "Close the windows and air

1 vents of your car and do not operate the air conditioner
2 until you have left the emergency area."

3 MR. PIKUS: Let the record reflect

4 that the witness is reading from Page 6.

5 A Yes, Page 6.

6 Q Of Exhibit 2.

7 A Yes. "If you do not have a ride, walk to
8 the nearest emergency bus pickup point listed on, Pages
9 13 and 14."

10 Q So, those are the two provisions that
11 you are speaking of that you consider to be discrepancies
12 closing the windows or walking to the nearest bus pickup
13 point?

14 A Yes. I feel that's a discrepancy.

15 Q You did not contact the Power Authority
16 or Con Edison about this discrepancy?

17 A I know ^{about} other people, ^{but} I personally
18 haven't.

19 MR. PIKUS: I am going to ask the
20 Reporter to strike the hearsay portion.

21 MS. POTTERFIELD: It was not hearsay.
22 She did not indicate what was said and there
23 was no indication who said it.

24 MR. PIKUS: My objection is on the
25 record.

1
2 Q Are there any other provisions in the
3 document marked as Hickernell Exhibit 2 that you would
4 consider to be discrepancies?

5 A I would have to read it right now to come
6 up with specific ones. Offhand, that was the one I was
7 particularly concerned about.

8 Q What additional information do you feel
9 that you need in order to be able to respond as you
10 would like to the possibility of an accident at Indian
11 Point?

12 A It would be very nice to be able to have
13 the foresight, to know how people would behave in a
14 panic situation; particularly a radiological one,
15 where you can't see and can't feel whatever radiation
16 there might be.

17 Dealing with the unknown is far more
18 frightening than dealing with a normal emergency where
19 you could see what is happening and you can get away
20 from it.

21 Q Have you read that material on radiation
22 that is contained in the brochure marked as Exhibit 2?

23 A I have; and I have also worked with radio-
24 active compounds.

25 Q What is your profession?

1
2 A I used to be a chemist.

3 Q How would your family respond in the event
4 that there were a toxic chemical spill that required
5 the evacuation of your home and the area around it?

6 A It depends on the spill. Most of it would
7 be contained in a certain area. We would know that we
8 would be able to come back to our home within a
9 reasonable amount of time.

10 Q Is that true in the event of all chemical
11 spills?

12 A I don't know if you could say all chemical
13 spills, because it's far different from radiation. There
14 are various half-lives. You would have really no idea
15 whether you've gotten ^{I¹³¹ bkw} I¹³¹, which has a half-life of
16 seven and eight days or something like plutonium, which
17 has-- ^{half life of approximately 24,000 years}

18 Q Is it your belief that a plutonium radio-
19 nuclei would be released from Indian Point if there
20 were a radiological accident?

21 A It would be possible.

22 Q Have you calculated the possibility of such
23 a release?

24 A No.

25 Q Have you followed the recent news reports

1
2 about Times Beach, Missouri, which experienced a
3 dioxane problem?

4 A Yes.

5 Q Isn't it true that portions of Times Beach,
6 because of this chemical spill, had been rendered
7 uninhabitable for long periods of time?

8 A Yes.

9 Q In the event that an evacuation were required
10 because of a chemical spill, and you were not home and
11 your children were, how would your children respond?

12 A If I were not at home, I would imagine they
13 would try to call me first, unless the police came
14 to take the people away to get them out of the area.
15 Any time that my children leave the house, they leave
16 a note as to where they are and the phone number where
17 they can be reached, and I assume they would do the
18 same thing.

19 Q If there were instructions broadcast over
20 either the radio or television or police loudspeakers,
21 do you believe that your children would follow them?

22 A If they were reasonable instructions.

23 MR. PIKUS: I have no further questions.

24 EXAMINATION BY

25 MR. POTTERFIELD:

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Q You testified that you received a brochure in December of 1982, which was the second brochure you received; is that right?

A Yes.

Q Do you know how long it was between the time you requested that second brochure and the time it arrived?

A I believe I sent for it in September.

Q September of 1982?

A Yes.

Q Did you want to say anything further?

A At first I thought I called, but I remember filling out the form.

Q By "the form," do you mean the post card in the back of the brochure?

A Yes.

Q You now have two brochure number fives in your home; is that right?

A Yes.

Q You testified that you had read about Three-Mile Island and that information given by the Government of Pennsylvania was incorrect?

A Yes.

Q Have you had any information about fault

1
2 or incorrect information given by either Con Edison
3 or the Power Authority of the State of New York about
4 any incidences at Indian Point?

5 A Yes.

6 Q Can you tell us what you know about that?

7 A I believe during the leak of radioactive
8 water several years ago they did not know what was
9 going on until I think there was ninety feet of water
10 in one of the containment buildings.

11 Q When you say "they," who do you mean?

12 A The employees at Con Edison. This last
13 time when the Plant was shut down several times for
14 several days at certain portions of the day, there was
15 perhaps no way for them to know how much water was
16 leaking, but it was a guesstimate on their part. I
17 tried to figure out really how much water was leaking
18 out and they gave me a very, very small estimate and
19 then they gave a large estimate.

20 I assume they were doing the best they could,
21 but it doesn't reaffirm by ^{was} faith in the utility.

22 Q You have described for us two separate
23 occasions when you remember that you may not have
24 gotten accurate information.

25 A Yes; and also I guess with Indian Point 3,

1 with the pitting of the tubes.

2
3 When they first closed the Plant and said
4 that this would be a small job and it would be opened
5 within a couple of months, at about that time, I had
6 heard Robert Pollard and he said that if they opened
7 that Plant within X number of months, we'll all know
8 that it hasn't been repaired.

9 Well, the Plant was closed practically a
10 year ago and now they are asking the N.R.C. to be
11 allowed to plug these tubes and to run with 23 or some
12 percentage as this plugged, and from my reading, this
13 makes it a little more dangerous in that it would
14 not cool down. It would be more difficult for them
15 to cool the Plant down, from my understanding. Rather
16 than just replacing the tubes, just plugging them.

17 MR. PIKUS: I would move to strike

18 that as number one, hearsay; and number
19 two, unresponsive.

20 Q What is the basis of the information that
21 you have just given us?

22 A The newspaper articles.

23 Q Apart from the newspaper articles, you
24 also indicated that you heard Mr. Pollard?

25 A I heard Mr. Pollard.

1
2 Q Is there any other source for your
3 information?

4 A No; just the newspaper articles.

5 Q Can you give us the time frame for the
6 first incident you described, the leaking?

7 MR. PIKUS: I am going to object
8 to this at this point on the grounds that
9 this cross-examination is going beyond
10 the scope of the direct. You are free
11 to answer the question.

12 Q I wonder if you could remember approximate
13 when that first incident occurred.

14 A It was a matter of several years ago; I
15 don't know the date.

16 Q How about with respect to the second one?

17 A The second one occurred right after they
18 started the Plant up; after it had been refueled.

19 This was within the past month. Around Valentine's Day

20 Q You testified in answer to one of Mr.
21 Pikus' questions that you have heard or have learned
22 of a proposed change in the plans that would reroute
23 the children should an accident happen during school
24 hours?

25 A Yes.

1
2 Q Can you recall when you first heard or
3 learned about this new change?

4 A It was several weeks ago. I read it in the
5 paper, the comments by County Executive O'Rourke, that
6 he was considering this change because of all the
7 problems with busing out the children, and he felt
8 that perhaps this would get them home.

9 Unfortunately, most children don't have
10 parents at home. Most of the families are working
11 families. So, I'm not sure if this is a great improve-
12 ment. I know this as a class mother. We have a very
13 difficult time trying to reach the parents and trying
14 to get them to volunteer for things during the school
15 day.

16 Q Can you remember whether your first
17 information about this new change came to you before
18 or after the Valentines Day leak that you just mentioned?

19 A I don't remember.

20 Q Would you mind telling us why your family
21 has been unable to come to a final agreement as to
22 where to go in the event of an evacuation?

23 A If one goes by this booklet, one child would
24 be taken to one school and another child would be taken
25 to another school. My husband is in Tarrytown and I

1
2 I believe that they're not going to have people re-enter
3 the ten-mile zone. So he certainly wouldn't be able
4 to come home before the children come home. And, also, ^{if}
5 the roads are clogged. It would probably be more
6 important to get out and try to call my mother, so
7 that we could report in to somebody so somebody at
8 least knows where we are.

9 Q It wasn't a dispute about your mother's
10 location being the place to go; it was just a question
11 of logistics?

12 A Absolutely.

13 Q You testified that your previous profession
14 was as a chemist. What are you working at at this
15 particular time?

16 A Right now, I'm getting my Master's in
17 Public Administration. And I work as an administrative
18 systems consultant.

19 MS. POTTERFIELD: I have no further
20 questions.

21 o0o

22
23 Barbara K. Hickernell
Barbara K. Hickernell

24 Sworn and subscribed to before me

25 this 17th day of March, 1983.

Concetta Potterfield
4762975, N.Y. County, March 25, 1984

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C E R T I F I C A T I O N :

I, Leslie M. Arzoomanian, a Stenotype Reporter and Notary Public within and for the State of New York, do hereby certify that the witness whose testimony is hereinbefore set forth is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

Leslie M. Arzoomanian
Leslie M. Arzoomanian

Dated: March 14, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
CONSOLIDATED EDISON COMPANY OF NEW YORK (Indian Point Unit 2))	Docket Nos. 50-247 SP 50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK (Indian Point Unit 3))	March 22, 1983

THIRD STIPULATION TO TESTIMONY OF
INTERVENORS' WITNESSES

The undersigned attorneys for Intervenors, the NRC Staff, Con Edison and the Power Authority hereby stipulate that, if called to testify, intervenor witnesses Evan Litty, #56, and Gerald Kapusinsky, #80, would testify to the facts set forth in their pre-filed testimony annexed hereto, subject to objections as to relevance and materiality. Dated this 22nd day of March, 1983.

Amanda Potterfield
AMANDA POTTERFIELD, ESQ.
For the Intervenors

Richard Czaja
RICHARD CZAJA, ESQ.
For Power Authority

Donald F. Hassell
DONALD F. HASSELL, ESQ.
For the N.R.C. Staff

Brent L. Brandenburg
BRENT L. BRANDENBURG, ESQ.
For Con Edison

My name is Evan Litty. I live at 272 Orchard Road, Lake Secor, Mahopac, N.Y. 10541. I live with my husband, Thomas, and my two daughters aged 9 months and 5 years. I am confined to a wheelchair due to a condition called Spinal Muscle Atrophy, a form of muscular dystrophy.

I did not get an emergency planning booklet in the mail. I knew that some people in my development received one. I borrowed one from a friend and discovered that I was a few blocks outside of the EPZ. In fact, in my development, there is one side of the street that is supposed to evacuate and one side that is supposed to stay home. I don't understand why the entire neighborhood is not included in the evacuation. If the line is based on scientific reasons, I would like to be informed as to how radiation will stop on one side of the street. Many of my neighbors will self evacuate. I will not want to stay in my house and watch my neighbors evacuate. I certainly would want to evacuate, but I face two problems. I do not drive and would have to get the bus at Secor Road and George's Deli (about 1/2 mile from my house). In nice weather, I could get to the bus stop with my electric wheelchair and my children (of course, I could not take many supplies). In winter or bad weather I could not get to the bus stop on my own. And if I did, the bus would have to be accessible to a wheelchair. In effect, I will be discriminated against because of my disability. My neighbors will be able to get the bus out whether they are over the 10 mile boarder or not. I have no way of notifying you that I exist. I plan to get a booklet and send the card back, but I do not know what your responsibility to me is.

My husband works in White Plains. He would try to get home in an emergency, but I understand that no one will be allowed back in the EPZ. I am dependent on him for life sustaining assistance.

I have two additional problems. My 5 year old daughter, Shannon, attends Our Montessori School in Yorktown, within the EPZ. I have never been informed by the school about any emergency plans. I do not know what the school evacuation route is or where she would be taken. I called the School on May 26 and the secretary had no immediate answers for me. The school is supposed to get back to me with further information.

A second serious problem is that my 9 month old daughter has sudden infant death syndrome and must be monitored during sleep with an APNEA monitor. If electricity were cut off and we were affected, I would have no way of monitoring her. Recently, during a power blackout, I had to stay up until 4:30 A.M. to monitor her. I kept dozing off. I could not do that for very long. I must have electricity so I can plug in the monitor.

Respectfully submitted,

Evan Litty

Evan Litty
June 2, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

TESTIMONY OF Gerald T. Kapusinsky

ON BEHALF OF PARENTS

RELATING TO CONTENTIONS 3.7

JUNE 1982

I, Gerald T. Kapusinsky, Attendance Supervisor for the North Rockland Central School District, have been in this capacity since 1974.

That during my service with the school district, I make home visits nearly every school day and have found many situations where students are home in their apartment/house with or without the knowledge of their parents.

That in the North Rockland Central School District the mean attendance is approximately 93%. This indicates that on any given day 7% of our student population are absent. The present statistics in the North Rockland area are such that 7225 (At-6 Report dated 5/21/82) students are enrolled in school. This figure does not include students attending Day Care centers, Private and Parochial students within the area.

My concerns are such, that on any given day a probable figure of several hundred children being home or in the immediate area could cause a problem if an evacuation was necessary.

Gerald T. Kapusinsky