

ORIGINAL

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 Wednesday, April 27, 1983

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

20  
21 OSCAR H. PARIS  
22 Administrative Judge

23  
24 FREDERICK J. SHON  
25 Administrative Judge

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## 1     A P P E A R A N C E S:

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

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11     State of New York

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18     RICHARD F. CZAJA, ESQ.

19                     Shea & Gould

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1 On Behalf of the Nuclear Regulatory Commission

2 Staff

3 DONALD HASSELL, ESQ.

4 JANICE MOORE, ESQ.

5

6

7 On Behalf of the Intervenors

8

9 New York Public Interest Research Group

10 AMANDA POTTERFIELD, ESQ.

11 PAT POSNER, ESQ.

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13 West Branch Conservation Association

14 ZIPPORAH S. FLEISHER, ESQ.

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## C O N T E N T S

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WITNESSES                      DIRECT CROSS REDIRECT RECROSS

4

DUFFEE

5

Ms. Potterfield 14601

6

Mr. Brandenburg                      14608

7

CONKLIN

8

(Testimony admitted by stipulation)

9

FEIT, CULPEPPER

10

Ms. Potterfield 14616                      14631

11

Mr. Czaja                      14625

12

Mr. Hassell                      14630

13

LINDEN

14

Ms. Potterfield 14634

15

Mr. Czaja                      14637

16

SEARS

17

Mr. Hassell                      14639

18

Ms. Potterfield                      14640

19

Mr. Brandenburg                      14659

20

## EXHIBITS

21

NRC-7

Identification 14639

22

23

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1 JUDGE GLEASON: Shall we proceed  
2 please.

3 MS. POTTERFIELD: Intervenors call  
4 Richard Duffee.

5 WHEREUPON

6 RICHARD DUFFEE, being sworn by the  
7 administrative judge, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. POTTERFIELD:

10 Q. Mr. Duffee, would you state your name  
11 and address for the record?

12 A. My name is Richard Duffee. I live at  
13 188 Union Avenue, Peekskill.

14 Q. You will have to speak a little  
15 closer into the microphone. I am having trouble  
16 hearing you.

17 A. All right.

18 Q. Do you have before you a document  
19 comprising two pages that is the testimony that  
20 you wish to submit to the Atomic Safety and  
21 Licensing Board?

22 A. I do.

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

25 A. Well, as I understand it, the portion

1 that is being challenged is the next to the last  
2 paragraph on page 2 on the grounds, one, that it  
3 is conclusory; and secondly, that it is irrelevant.

4 I feel that I could give evidence --

5 JUDGE GLEASON: Mr. Duffee, please.

6 The question is, do you have any corrections to  
7 your testimony.

8 THE WITNESS: I don't know the  
9 routine well enough to be able to say. I say I  
10 can answer those two questions.

11 Q. Do I understand from what you said  
12 you have a correction or addition to make to the  
13 second to the last paragraph on page 2?

14 A. I say more where those conclusions  
15 come from, yes.

16 Q. Then, if asked, perhaps you could do  
17 that for us.

18 MR. CZAJA: I object to the question,  
19 if that is a question.

20 MS. POTTERFIELD: It is not a question.

21 JUDGE GLEASON: It is not a question.

22 Q. Is your testimony true and correct to  
23 the best of your information and belief, Mr.  
24 Duffee?

25 A. Yes, it is.

1 MS. POTTERFIELD: I move the admission  
2 into evidence of Richard Duffee as if read.

3 MR. GLEASON: Any objection?

4 MR. CZAJA: Yes, Judge. I object to  
5 the second paragraph from the bottom of page 2 of  
6 Mr. Duffee's testimony. It is the paragraph  
7 beginning, "I was struck by the treatment of the  
8 41 patients."

9 The grounds for the objection are  
10 that that paragraph is conclusory and irrelevant.

11 I also object to this procedure  
12 whereby apparently the witness is being primed to  
13 correct objections. The rules of the game are we  
14 have made our objections in advance, and prefiled  
15 testimony has to stand or fall on what is within  
16 the four corners of that testimony.

17 JUDGE GLEASON: I don't know how the  
18 witness knows what part of his testimony is  
19 objected to. As far as I know, the board is the  
20 only one with copies -- I see what you mean.

21 MR. CZAJA: We served that on all  
22 parties.

23 JUDGE GLEASON: That is not proper,  
24 Ms. Potterfield.

25 MS. POTTERFIELD: I expect that the

1 people who organized and coordinated these  
2 volunteer observers told them when they got a copy  
3 of the licensee's objections, that they should be  
4 warned that the board might strike their testimony  
5 for the following reasons. We have had a lot of  
6 trouble with our witnesses, Judge Gleason, feeling  
7 humiliated and intimidated after their appearances  
8 here.

9 I think part of the reason was to try  
10 to let people know in advance that those things  
11 might happen to them and to try to give them some  
12 idea why.

13 Understandably the witnesses feel  
14 very strongly that their testimony is being  
15 stricken without their being given an opportunity  
16 to explain that it is not either hearsay or the  
17 basis of their conclusions.

18 Although Mr. Duffee was not coached  
19 to say anything, Mr. Duffee is expressing his  
20 reactions to the procedure that takes place in  
21 this room.

22 JUDGE GLEASON: It is your obligation  
23 to point out the proper procedures before this  
24 court. It is an improper procedure.

25 MS. POTTERFIELD: I agree it is

1 improper for the witness to meet the objections  
2 themselves. On the other other hand, I objected  
3 before and will state again that I think it is  
4 improper for the board to take on the duty of the  
5 licensees by striking testimony before it has been  
6 tested on cross-examination to see whether indeed  
7 it is hearsay.

8 It is assumed to be hearsay whenever  
9 the community witness does not give precisely, in  
10 every sentence, the source of his information, his  
11 or her information.

12 JUDGE GLEASON: Ms. Potterfield, you  
13 have expressed on a number of occasions in the  
14 past your disagreement with rulings of the board.  
15 You are entitled to do that. You do that in terms  
16 of objecting to it and not making a speech every  
17 time that you want to justify something that is  
18 going on in this proceeding.

19 You heard the objection of the  
20 counsel for the licensees. Do you have any  
21 comments?

22 MR. BRANDENBURG: Con Edison had one  
23 other objection that was not articulated by Mr.  
24 Czaja for the Power Authority's -- two others,  
25 page one of the testimony in the third full

1 paragraph, seven lines up from the bottom, the  
2 sentence beginning, "By noon she realized," and  
3 continuing to the end of that paragraph, we object  
4 to as speculative and as hearsay.

5 (Witness laughing)

6 JUDGE GLEASON: You are not supposed  
7 to be responding like this.

8 Go ahead, Mr. Brandenburg.

9 MR. BRANDENBURG: That's the basis of  
10 my objection. It relates to the subjective  
11 feelings of someone else.

12 JUDGE GLEASON: Is that all?

13 MR. BRANDENBURG: Yes.

14 JUDGE GLEASON: I am going to excuse  
15 you in a minute unless you comply with the decorum  
16 expected of a witness.

17 MS. POTTERFIELD: We stand on our  
18 response is to their objections that we made  
19 yesterday. We have offered to the board and to  
20 the other parties the testimony of intervenor  
21 observers who made conclusions. They tell you the  
22 basis for their conclusions.

23 Their conclusions can be tested on  
24 cross-examination if they are to be impeached, but  
25 they are competent to make conclusions on the

1 basis of what they have observed and seen. In  
2 fact, the conclusions may not strike the other  
3 parties as being altogether appropriate is not a  
4 basis for objection.

5 The objection that this testimony is  
6 conclusory is a specious objection. The  
7 conclusions don't purport to be anything other  
8 than the conclusions of this one witness and he  
9 tells you the basis for his conclusion. The fact  
10 that it is a conclusion alone isn't a reason to  
11 strike the testimony.

12 (There was a pause in the proceeding.)

13 JUDGE GLEASON: The board rules the  
14 first objection on page one is not granted because  
15 that information is based on what Mrs. Morabito  
16 related to the witness.

17 The second objection at page 2 is  
18 granted. The statements are conclusory and  
19 irrelevant.

20 With those changes the testimony of  
21 the witness is received into evidence and bound  
22 into the record as if read.

23 (The bound testimony follows)

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25

TESTIMONY ON THE RESPONSE OF PEEKSKILL HOSPITAL  
TO THE EMERGENCY EVACUATION DRILL, MARCH 9, 1983

by Richard Duffee

I arrived at Peekskill Hospital at 1:00 on March 9, 1983. I interviewed Mrs. Jane Morabito, Supervisor of Nursing, for the succeeding half hour. During that time she was in the midst, she said, of rewriting her notes from the morning's drill in preparation for the writing of a narrative of it. Her supervisor, Mr. Charles Herringer, stopped in from 1:15 to 1:20 inquiring of her own and the hospital's progress in the drill and received from her a synopsis of the report she was giving me.

Mrs. Morabito said she thought the drill had gone very smoothly. She said the hospital staff now had the routine down pat since the hospital has now had some version of a radiological exercise every three months or so for several years. She said she'd had no idea before that morning what the hospital's role in the drill would be, and was interested to see the scenario unfold and to see how well the staff could handle the problems as they emerged.

Mrs. Morabito said she had set her clock for 5:00 that morning in anticipation of the drill. Because she lives across the street from the Verplanck Fire Station she'd expected to be able to get some hint of what was happening early on. At about 5:45 she said she saw the ambulance arrive which she later learned took Michael Polson, the Con Ed worker who was pretending to be contaminated and to have third degree burns on his hands and wrists, to the Northern Westchester Hospital in Mt. Kisco. She said that she was puzzled that morning that the worker was not taken to Peekskill Hospital, where he would normally have been taken in a case involving both wounds and contamination; Peekskill is much closer than Northern Westchester and the route is easier and more direct. By noon she realized, she said, that the reason Polson was not taken to Peekskill was that the designers of the plan knew they would be evacuating Peekskill later in the morning. It was too bad, she felt, that Peekskill didn't receive the victim; Peekskill was quite well prepared to handle him, and teams of reporters and photographers who showed up later in the morning to record his expected presence were disappointed.

At 8:55 Peekskill Hospital received its first call about the drill from the office of the Town of Cortland Supervisor. Jean Welsh, the caller, said she was calling to alert the hospital that there had been an incident at Con Ed. Ms. Welsh referred Mrs. Morabito to a Robert Pavone for more information. When Mrs. Morabito called Mr. Pavone, he said there was no release to the atmosphere, but there was a potential problem. The hospital staff closed all windows in the hospital, got all employees into the building, checked supplies of food and water, and assessed the current population of patients.

There were 101 patients in the hospital and 44 nurses on duty. Ten patients were critical; of these one was in the 3 West nursing unit, three were in the Brillinger unit, and six were in the Intensive Care Unit. Mrs. Morabito and the staff began deciding which patients would be sent home and which would be sent to St. Luke's and Putnam Community Hospital in the event of an evacuation.

At 9:50 a Mike Kominsky called to put the hospital on alert. He told Mrs. Morabito to tune the radio to WABC.

At 11:55 Mr. Kominsky called again to say that the governor had ordered evacuation. Mrs. Morabito began to place calls to St. Luke's and Putnam Community Hospitals and the local ambulance corps to see how the sixty patients she and the staff had decided should remain hospitalized could be accomodated. Putnam said it could handle thirty-five patients; Peekskill decided to send thirty there by ambulance and the other thirty to St. Luke's by Vanguard bus.

Patients in the most serious condition were to go to Putnam. At noon there were three patients in recovery, four in the operating room, and one woman in labor. Mrs. Morabito determined that all the operations could be completed by 3:00 and that the woman in labor could give birth by then.

Three patients and two staff were to go to Putnam in each of ten ambulances. At the time Mrs. Morabito called, Putnam Valley claimed to have two ambulances available on standby; Verplanck had two; Peekskill Volunteers had four; Garrison had one; and Mohegan Lake had two. So eleven ambulances were available; ten were needed. Also at that time Yorktown had one ambulance at Peekskill Hospital itself. Transport for thirty patients and twenty staff to Putnam appeared possible.

Vanguard Bus Company claimed it could offer two buses to take patients to St. Luke's. Mrs. Morabito believed only one would be necessary to accomodate thirty patients and five nurses.

At 11:55 Mrs. Morabito began estimating the time she believed it should have taken to call the relatives of the forty-one patients the hospital would have sent home. No calls to relatives were actually made, Mrs. Morabito said, "because it would have made them hysterical." The forty-one patients would have been brought down to the first floor entrance where they would have been attended by seven nurses until relatives came to retrieve them. Mrs. Morabito believed that all forty-one would have been retrieved by 3:00. When I asked what she would do if either any of the relatives could not be reached or could not drive to the hospital, she replied that she was certain all the relatives could be reached because the hospital required both home and work numbers for relatives of each patient, and that any patients who were not picked up she would drive home herself.

Mrs. Morabito said she felt this was a very rigorous run-through which everyone handled very well. She said the staff drills a lot and so has become quite good at it. She herself has even done a paper exercise imagining an emergency at night.

I was struck by the treatment of the forty-one patients who were to be sent home. First, the great majority of them were to be sent home to homes that would themselves have to be evacuated if the hospital had to be. Second, Peekskill has many residents without phones, many who cannot drive, and many who live alone. With the various difficulties which could be expected with phone lines and transportation during an emergency there seemed to be no assurance that relatives could actually pick them up. This was absolutely hypothetical. Third, the hospital seemed to be claiming that 40% of its patients did not really need hospitalization. Why then, had they not been released earlier?

I called the Peekskill, Verplanck, Mohegan Lake, and Yorktown ambulance services between 3:00 and 4:00. Peekskill and Verplanck claimed they had not kept records of the whereabouts of their ambulances through the day. They could not confirm that their ambulances had not been committed to being available for double imaginary service.

1 JUDGE GLEASON: Cross-examination,  
2 please.

3 MR. CZAJA: I have no questions of  
4 this witness.

5 MR. BRANDENBURG: I have no questions --  
6 I take that back.

7 CROSS-EXAMINATION

8 BY MR. BRANDENBURG:

9 Q. Mr. Duffee, can you turn to page 2 of  
10 your testimony. In the first sentence of the  
11 fifth paragraph starting "at 11:55 Mrs. Morabito,"  
12 and continuing; do you see that?

13 A. Yes.

14 Q. Now, directing your attention to the  
15 first two sentences of that paragraph, my question  
16 is do you know whether the exercise scenario  
17 contemplated communication with the public under  
18 the circumstances that you discuss here?

19 You state that Mrs. Morabito said  
20 that no calls would be made and stated what you  
21 understood to be her grounds.

22 My question is do you know whether  
23 its scenario for the exercise contemplated these  
24 type of calls?

25 A. That isn't what she said. I don't

1 believe that the scenario did. I don't have  
2 accurate information on that. All I know is what  
3 she said.

4 MR. BRANDENBURG: I have nothing  
5 further.

6 MR. HASSEL: The staff has no  
7 questions.

8 MS. POTTERFIELD: No redirect.

9 JUDGE GLEASON: Thank you, Mr. Duffee.  
10 We appreciate your testimony.

11 You are excused.

12 MS. POTTERFIELD: Judge Gleason, I am  
13 afraid that the other intervenor witnesses have  
14 not arrived, although we do expect them  
15 momentarily.

16 JUDGE GLEASON: We will stand in  
17 recess until they do arrive.

18 (There was a short recess.)

19 MS. POTTERFIELD: Mr. Duffee has asked  
20 me for permission for him to make a limited  
21 appearance statement.

22 MR. DUFFEE: I feel I was accused of  
23 something --

24 JUDGE GLEASON: This is not the time  
25 for limited appearance statements.

1 Off the record.

2 (There was a discussion off the  
3 record.)

4 MS. POTTERFIELD: I request this be on  
5 the record.

6 JUDGE GLEASON: Back on the record.

7 JUDGE PARIS: Mr. Duffee, the  
8 testimony that you have presented, except for the  
9 paragraph which was struck, has been incorporated  
10 into the record and will be used by the board in  
11 reaching its decision.

12 MR. DUFFEE: I understand. The thing  
13 is that I simply did not understand that I might  
14 have to give more information in order to say  
15 where those conclusions came from; that is, there  
16 are many other things which were not simply  
17 involved in that drill.

18 I have a great deal more experience  
19 with the town which allowed me to come to those  
20 conclusions.

21 I did not know that it was  
22 appropriate to put that in here and I don't  
23 understand why, if my testimony is going to be  
24 reviewed by the lawyers, why it is inappropriate  
25 for me to know what their responses are.

1 I was not primed. I was simply told  
2 that there were objections to that one passage,  
3 and I prepared answers to those objections.

4 I don't understand that.

5 JUDGE GLEASON: I would suggest you  
6 talk to Ms. Potterfield who will explain the  
7 procedure with you.

8 We are in recess.

9 MR. DUFFEE: I feel it is a shame  
10 because I feel I can give the testimony which  
11 would prevent that --

12 JUDGE GLEASON: We are in recess.

13 (There was a short recess.)

14 MS. POTTERFIELD: The intervenors call  
15 Walter Conklin.

16 JUDGE GLEASON: Do you have your  
17 witnesses?

18 MS. POTTERFIELD: We have one witness,  
19 Mr. Conklin.

20 JUDGE GLEASON: Have the other  
21 witnesses arrived?

22 MS. POTTERFIELD: Not as yet. They  
23 have left and they will be here shortly.

24 JUDGE GLEASON: Then let's wait until  
25 your witnesses are here.

1 MR. CZAJA: There is going to be no  
2 objection to Mr. Conklin's testimony. Perhaps we  
3 can stipulate his testimony.

4 MS. POTTERFIELD: If there is a  
5 stipulation, we will be glad to receive it.

6 MR. CZAJA: I will so stipulate.

7 MR. BRANDENBURG: I will so stipulate.

8 (There was a pause in the proceeding.)

9 JUDGE GLEASON: We will approve the  
10 stipulation. The witness' testimony will be  
11 received in evidence and the reporter will include  
12 it in the record.

13 We thank you very much for showing up,  
14 sir.

15 (The bound testimony follows)

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Observer  
Observation Post

Walter Conklin  
Peekskill Police Department  
2 Nelson Avenue  
Peekskill, New York  
7:55 am until 1:55 pm

Time of observation

- 7:55 Arrive at Police Station and identify myself in the lobby. I am told I will be taken inside when something happens "necessitating action."
- 8:10 Taken inside by Police Commissioner Walter Kirkland who is also Civil Defense Director. He pointed out the equipment:  
-terminal linked to Indian Point  
-red Hotline phone attached to a speaker  
All announcements during the day came over this equipment.  
-radio tuned to WLNA  
-multichannel radio  
-backup radio manned by ham amateur volunteer
- 8:20 Rockland County is heard asking for a weather report from the state warning point. Weather is given: Wind 1.8 meters/second from 080° stability class "C"
- 8:29 Hotline : "Emergency classification Alert"
- 8:34 Hotline: wind given again: no change, general weather cloudy.
- 8:45 Officer answers phone in training room and repeats to the caller the announcement heard over hotline at 8:34
- 9:10 Commissioner Kirkland brings in news that County Exec had ordered all schools closed. Asked if the message came over the hotline. Ans: "No."
- 9:18 Telephone line to Peekskill Fire Station is out. Man sent to check power up on the hill.
- 9:19 Commissioner Kirkland explains that in a real emergency the procedures to close the schools would now be in effect.
- 9:21 Officer announces that there is a projected wind change due at 10:00 to 160°
- 9:23 Hotline: "Projected wind change to 160° At 10:00. General weather clear."
- 9:32 Intervenor observer asked for name and address for Police log of exercise.
- 9:37 Hotline: "Condition at Indian Point changed to site area emergency. Wind speed now 2.7 meters/second from 160°."

- 9:50 Mayor George Pataki arrives and given a tour by Commissioner Kirkland. Announcement that Con Edison is evacuating non-essential personnel from Unit 2. The officers were not fully informed as to which emergency classification level was the trigger for the sirens.
- Sirens sound
- 9:53 Commissioner explains to Mayor that he would now be giving the Mayor an update in a real emergency.
- 9:55 Radiological officer explains his weather watching procedure to Mayor Pataki at the wall with a large map.
- 9:56 -  
10:01 Discussion between Commissioner, Mayor, and City Manager about chain of command in actual evacuation process. Commissioner goes over some steps of the evacuation procedure including
- calling extra outside police and who would pay for it (agreement; not Peekskill)
  - sending all cars with loudspeakers out to alert all the people.
- Mayor asks what would happen if the emergency occurs at 3:00 am and all the people working at the station are at home. Commissioner answers that they would use the recall procedure used during the blackout.
- 10:14 Hotline: Weather announcement. Anticipated wind conditions at 14:00 hours given.
- 10:25 Commissioner announces that at this point the city water supply would be shut down by the Peekskill water commissioner under orders from the Peekskill Department of Public Works as the plume would contaminate the water supply.
- 10:40-  
10:56 Mayor Pataki tells observer he is satisfied with the operation. He reiterates the different systems they have: hotline, apple computer, multichannel radio, back-up radio. He informs me that Peekskill has the authority to order its own evacuation but not to countermand a County-ordered evacuation. He is concerned over whether in the event of a large scale evacuation there will be enough buses to evacuate all the people from Peekskill who don't have cars. The Peekskill Parks Commissioner has ordered the evacuation of all city parks. He is expected to issue a statement.
- 10:58 Hotline: "County declared state of emergency. No radiological indication of danger." Radiation officer explains again how he analyzes weather. Parks commissioner arrives to report on evacuation of parks.
- 11:07 Precautionarysheltering and/or eavcuation being considered

- 11:22 Catered food brought in, paid for by the State under some rule I can't catch.
- 11:33 Hotline: "Still site area emergency. Conditions deteriorating.
- 11:37 Hotline: "Precautionary evacuation of certain "ERPAs" recommended and precautionary sheltering of others, at the discretion of local authorities."
- 11:47 Hotline: "State of NY ordered evacuation of Rockland County."
- 11:49 Mayor orders evacuation of Peekskill.
- 11:58 Hotline: Announcement begins as site area emergency but is changed to general emergency.
- 12:06 Hotline: Announcement of estimated release of radactivity and full body doses.
- 12:13 Hotline: Ground release of radiation given, as of 12:01 pm.
- 12:20 Instructions spread to take iodine pills.
- 12:33 County order to Peekskill to close down their water supply (see 10:25)
- 12:40 Radiological officer briefs city manager on progress of plume and amount of radiation in the air. If people are still on the streets the advisability is to shelter indoors rather than trying to evacuate.
- 12:52 Still a general emergency. Radioactive release continues. Areas that had been recommended to take shelter are now recommended to evacuate.
- 1:01 Mayor says that at this point everything would be closed down, all people out of Peekskill leaving Peekskill under the National Guard.
- 1:01-  
1:55 During this last hour, most officers left and a couple returned to their regular duties. I did not hear any more official emergency messages over the hotline loudspeaker. Mayor Pataki left about 1 pm. While he was there he had quickly briefed me from time to time. I could only hear firsthand what came over the hotline loudspeaker, and general announcements, since I was not allowed to enter the equipment room but stood near the doorway inside the "training room." The equipment room is small so it is understandable why I was not allowed in, but the constant traffic and conversation in the training room hampered my ability to see and hear.

1 MS. FLEISHER: Your Honor, this  
2 morning Mr. Thorsen telephoned me just before I  
3 came, and I didn't have an opportunity, because I  
4 was a few minutes late, to make an announcement  
5 for him. He says he is unable to be here today,  
6 and I know he has Mr. McGuire slated as a witness.

7 Apparently they are not coming over.  
8 He didn't tell me why or anything.

9 JUDGE GLEASON: He gave no reasons for  
10 his not coming?

11 MS. FLEISHER: I think he is going to  
12 try to come over tomorrow or later in the week.  
13 He just said he was overwhelmed with work and  
14 couldn't make it today.

15 JUDGE PARIS: That means McGuire will  
16 not show up either, right?

17 MS. FLEISHER: That's what he told me  
18 to say.

19 I can't help but say that some of  
20 these people, whether we agree with them or not,  
21 seems to think like it is climbing a Chinese wall  
22 to get over here.

23 JUDGE GLEASON: If you want to make a  
24 speech in the record --

25 MS. FLEISHER: I am not. I am saying

1 that some people find it very difficult. He is so  
2 busy today and I presume that's his problem. He  
3 told me to make that announcement to you.

4 JUDGE GLEASON: We will stand in  
5 recess.

6 MR. HASSEL: Judge Gleason, if I may?

7 JUDGE GLEASON: Yes.

8 MR. HASSEL: John Sears is here.

9 JUDGE GLEASON: We are not ready for  
10 Mr. Sears yet.

11 (There was a short recess at 10 a.m..)

12 (Hearing resumed at 10:20 a.m.)

13 JUDGE GLEASON: Can we go back on the  
14 record? Have any more of your witnesses?

15 MS. POTTERFIELD: All of the remaining  
16 witnesses are here, Judge.

17 JUDGE GLEASON: I would like to ask  
18 the staff, the board would like to ask the staff  
19 to get in touch with either Mr. Glass or Mr.  
20 Perry and see if they they could be here this  
21 afternoon.

22 MS. MOORE: Who could be here?

23 JUDGE GLEASON: Either one or both.  
24 The board has some questions it wishes to address  
25 to them with respect to this information which was

1 forwarded to all the parties called "Indian Point  
2 plans verification analysis."

3 MR. HASSEL: Is the board interested  
4 in us requesting whether the FEMA witnesses can be  
5 here also?

6 JUDGE GLEASON: Which witnesses?

7 MR. HASSELL: The FEMA witnesses.

8 JUDGE PARIS: They will be nere  
9 tomorrow, won't they?

10 MR. HASSEL: That's my understanding.

11 JUDGE GLEASON: If they can here, fine.

12 JUDGE SHON: The primary thing is to  
13 have someone who can answer questions about this  
14 report and what FEMA intended to do with it, what  
15 FEMA's attorneys intended to do with it.

16 (There was a pause in the proceeding.)

17 JUDGE GLEASON: Will you call your  
18 witness, please.

19 MS. POTTERFIELD: Intervenors call  
20 Katherine Feit and Lee Culpepper.

21 WHEREUPON

22 KATHERINE FEIT and LEE CULPEPPER,  
23 after being duly sworn by the administrative judge,  
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MS. POTTERFIELD:

2 Q. Katherine Feit, will you state your  
3 name and address for the record?

4 A. (Witness Feit) Katherine Feit, 31  
5 Truesdale Drive, Croton, New York.

6 Q. Mr. Culpepper, will you state your  
7 name and address for the record, please?

8 A. (Witness Culpepper) State what?

9 Q. Your name and address for the record.

10 A. (Witness Culpepper) Lee Culpepper,  
11 117 Oneida Avenue, Croton on Hudson, New York.

12 Q. Do the two of you have before you a  
13 document consisting of four pages that comprises  
14 your joint testimony that you wish to submit to  
15 the Atomic Safety and Licensing Board today?

16 A. (Witness Culpepper) Yes.

17 Q. Does either of you have any  
18 corrections or additions to your testimony?

19 A. (Witness Culpepper) No.

20 A. (Witness Feit) No.

21 Q. Is the testimony true and accurate to  
22 the best of your information and belief?

23 A. (Witness Culpepper) From my memory,  
24 and I have seen it before, it seems all right. It  
25 is true and accurate as far it goes.

1 A. (Witness Feit) Yes.

2 MS. POTTERFIELD: I move the admission  
3 into evidence of the testimony of Katherine Feit  
4 and Lee Culpepper as if read.

5 JUDGE GLEASON: Is there objection?

6 MR. BRANDENBURG: Yes, Mr. Chairman.  
7 On page 1 of the testimony, Con Edison objects to  
8 numbered paragraph 1 on the grounds that it is  
9 speculative and conclusory.

10 We object to numbered paragraph 4 on  
11 the ground that it is irrelevant and is unrelated  
12 to the March 9 exercise, and it is also conclusory  
13 and unreliable hearsay.

14 We object to numbered paragraphs 5, 6  
15 and 7 --

16 JUDGE GLEASON: I don't believe that  
17 is hearsay.

18 MR. BRANDENBURG: If he is relying on  
19 the opinions of someone else.

20 JUDGE GLEASON: Why don't you just  
21 stay with the statement as it is there, but go  
22 ahead.

23 MR. BRANDENBURG: We obligation to  
24 numbered paragraphs 5, 6 and 7 as conclusory,  
25 speculative and as lacking foundation.

1                   Numbered paragraph 9, we object to  
2                   the first sentence and of the last two sentences  
3                   as conclusory, speculative and lacking foundation.

4                   Turning to page 2 of the testimony,  
5                   Con Edison objects to numbered paragraphs 1  
6                   through 27 as the impressions of a Ms. Toscani,  
7                   who is not being presented for cross-examination;  
8                   numbered paragraph 28 of this material indicates  
9                   that Ms. Feit, the witness who is appearing before  
10                  the board, only arrived at that point in time, and  
11                  the following observations are hers but the prior  
12                  observations are not.

13                  We have independent grounds for some  
14                  of the numbered paragraphs, paragraph 3, we object  
15                  to the last two sentences relating to traffic on  
16                  route 9 and the characterization and the statement  
17                  about the river as being hearsay, conclusory --

18                  JUDGE PARIS: Excuse me, Mr.  
19                  Brandenburg, where is that?

20                  MR. BRANDENBURG: This is numbered  
21                  paragraph 3 on page 2 of the testimony. That  
22                  paragraphs starts out village manager Herbeck  
23                  noted that," and we don't object to that sentence  
24                  but the following two sentences which we believe  
25                  are hearsay and conclusory.

1                   We object to the second sentence in  
2 numbered paragraph 6 stating, "This indicates  
3 communications problems," as conclusory.

4                   We object to the last two sentences  
5 in numbered paragraph 18, which is on page 3, as  
6 speculative, as hearsay.

7                   We object to numbered paragraph 29  
8 relating to the sirens as either hearsay or  
9 lacking foundation.

10                   We would object to the last four  
11 words of numbered paragraph 43, "And it's not  
12 updated," as hearsay, as lacking any foundation.

13                   JUDGE GLEASON: Are you finished?

14                   MR. BRANDENBURG: Yes, I am.

15                   MR. CZAJA: I join in Con Ed's  
16 objections.

17                   MS. POTTERFIELD: Intervenors'  
18 response is the same as it has been. It is our  
19 belief that an erroneous legal standard is being  
20 applied. Take paragraph one, for instance, a  
21 person who says that communication problems exist  
22 because communications are garbled, it is a  
23 conclusion but there is no legal objection to a  
24 conclusion just because it is a conclusion. She  
25 tells you what the problem is. It is something

1 that she has observed.

2 Conclusions reached on the basis of  
3 things that are seen and heard are not  
4 objectionable just because they are conclusions.

5 With regard to Mrs. Toscani's absence,  
6 I understand she was deposed by the licensees and  
7 that there is in the works, hopefully, some  
8 possibility of stipulations arising out of her  
9 deposition testimony. So that we acknowledge the  
10 problem with paragraphs 1 through 27 beginning on  
11 page 2, and hope that the licensees' lawyers will  
12 be willing to reach some stipulation about her  
13 testimony.

14 JUDGE GLEASON: Do you want to respond  
15 to the stipulation?

16 MR. CZAJA: Judge, we have reviewed  
17 the deposition. We can't stipulate. I would move  
18 that those paragraphs which represent Ms. Toscani's  
19 observations be stricken.

20 MR. BRANDENBURG: Mr. Chairman, Con  
21 Edison did not depose Ms. Toscani and I have not  
22 had a chance to review her deposition so I am  
23 afraid I can't entertain the stipulation at this  
24 time.

25 MR. CZAJA: We did not take the

1 deposition with a view toward Mrs. Toscani's  
2 absence. We were not advised she would be absent  
3 until after she took the deposition. It was a  
4 discovery deposition. It was not a deposition  
5 that we took having in mind how we would conduct  
6 cross-examination of Ms. Toscani.

7 JUDGE GLEASON: I think the point that  
8 Ms. Potterfield has made is having taken the  
9 deposition and verified what her testimony is  
10 going to be, that you can stipulate based on  
11 taking the deposition.

12 MR. CZAJA: I would ask Ms. Toscani  
13 different questions on cross-examination than on  
14 the deposition. The deposition was a discovery  
15 deposition. We didn't know at the time that we  
16 would would not have the opportunity to  
17 cross-examine Ms. Toscani.

18 JUDGE SHON: One thing for clarity.  
19 On page 4 there are some handwritten notes next to  
20 item 50 and 54. The one next to item 50 seems to  
21 be "meaning not clear." The other one is kind of  
22 illegible.

23 Are these meant to be part of the  
24 testimony or simply to be disregarded?

25 MS. POTTERFIELD: It is not on my copy

1 of the testimony.

2 JUDGE SHON: It is on mine.

3 MR. HASSEL: It is on mine.

4 MR. CZAJA: It is on mine.

5 MS. POTTERFIELD: I will see if I can  
6 get you clean copies.

7 JUDGE SHON: We will simply scratch  
8 them out, that's all.

9 MS. POTTERFIELD: Thank you.

10 The record should reflect Ms. Posner  
11 is handing the witnesses another copy of their  
12 testimony.

13 (There was a pause in the proceeding.)

14 JUDGE GLEASON: All right, the first  
15 objection is sustained on the communications  
16 problem, number 1. It is a conclusory statement.

17 Number 4 has to come out. It doesn't  
18 have any foundation and is conclusory.

19 Paragraphs 5, 6 and 7, 6 can stay in,  
20 although it is repetitive as we have had other  
21 testimony on it.

22 How did you know there was a siren  
23 malfunctioning?

24 THE WITNESS: (Witness Feit) I  
25 overheard one of these policemen speaking to

1 another gentleman. He just said that one siren  
2 had not functioned near the high school.

3 JUDGE GLEASON: Who was the policemen?

4 THE WITNESS: (Witness Feit) I  
5 believe it was Sergeant Duran. He was at the desk  
6 at the time.

7 JUDGE GLEASON: You can't believe.  
8 Was it that the sergeant said that?

9 THE WITNESS: (Witness Feit) I can't  
10 remember exactly the face right now, but I was  
11 there to take notes pertaining to the drill and  
12 that was what I remember.

13 JUDGE GLEASON: We will leave  
14 reference in, although it really didn't meet the  
15 test, and I wouldn't want Ms. Potterfield to use  
16 that liberality against me on some other occasion.

17 Number 7 comes out, it is a  
18 conclusory statement.

19 The first two sentences of number 9  
20 can stay in; the rest will come out.

21 All of Ms. Toscani's statements up to  
22 27 have to come out as she is not here.

23 Number 29, how did you know that the  
24 siren near the high school did not work? Same  
25 reference?

1 THE WITNESS: (Witness Feit) Yes.

2 JUDGE GLEASON: We will let that in on  
3 the same basis we did before.

4 43 will stay in. We assume that she  
5 is referring to the chief making those statements  
6 that the map is not updated.

7 With those changes, the statements of  
8 the witnesses are received into evidence and bound  
9 into the record as if read.

10 (The bound testimony follows)

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1 CROSS-EXAMINATION

2 BY MR. CZAJA:

3 ; Q. Ms. Feit, could I first direct your  
4 attention to numbered paragraph 6 on the first  
5 page of your testimony where you refer to the  
6 traffic problems on Routes 9 and 9 A being noted  
7 "miles of traffic backed up all the different  
8 times of day. This proves the roads in this area  
9 would not be adequate for an evacuation," does  
10 that notation reflect actual conditions on the day  
11 of March 9, 1983?

12 A. (Witness Feit) According to my notes,  
13 I recall there was a transmission that Route 9  
14 north and south were closed, only one lane open in  
15 alternating pattern.

16 Since the other parts of Mrs. Toscani's  
17 testimony has been stricken, I can't really refer  
18 to that. I can only refer to my notes and I  
19 believe that that's true.

20 Q. You believe it is true there was a  
21 transmission regarding traffic problems, is that  
22 correct?

23 A. (Witness Feit) That's true. I heard  
24 a radio transmission regarding traffic problems.  
25 I believe there was one earlier and one later on.

OBSERVATIONS AND CONCLUSIONS FROM THE MARCH 9, 1983  
DRILL OF THE INDIAN POINT NUCLEAR POWER PLANTS AT THE  
CROTON-ON-HUDSON POLICE DEPARTMENT

None of the following reflects on the abilities of the Croton Police Department. They took the Drill seriously and performed the duties required.

The following are the observations and conclusions of observers Kathy Toscani, Katherine Feit, and Lee Culpepper.

1. Communication problems with Hawthorne Police Headquarters were evident because they were so garbled.
2. A 10 year old Motorola radio had been installed a day before the Drill to help with Police Department communication with other police departments countywide.
3. At least ten calls were received after the siren sounding. The public was assured it was only a test.
4. An Emergency Operation Center is needed such as Ossining Police are attempting to impliment.
5. Siren malfunctioning was a problem as was the seemingly lack of their sounding the full three minutes.
6. Traffic problems on Routes 9 and 9A were noted; miles of traffic backed up, all at different times of the day. This proves the roads in this area would not be adequate for an evacuation.
7. The personnel's comments evidenced their knowledge of the invisibility of radiation. A conclusion drawn from this was lack of protective measures for them.
8. It was noted that the copy from the Municipal Building of the Emergency Response Plan, thick in size, is not even page numbered. The conclusion is that numbering the pages would make sense.
9. A problem arose regarding evacuation maps. Croton Police have a blue map; Ossining seems to have a red one. Lack of coordination between the police departments would be a vast problem during a real evacuation. Jurisdiction problems also arose as to who services certain sections of the evacuation maps.

OBSERVATIONS OF THE 1993 INDIAN POINT DRILL  
AT THE CROTON-ON-HUDSON POLICE DEPARTMENT

1. Kathy Toscani, member of Parents Concerned About Indian Point, was an observer for the first few hours on March 9.  
The Drill was declared started at 8:27 with the Alert State.
2. Police Chief Reginald Lambruschi commented that the County sent and installed a Motorola radio yesterday. It is a 10 year old radio.
3. Village Manager Herbek noted that it takes a Drill to get anything done.  
Traffic on Routes 9 and 9A a mess this morning.  
The river ought to be used for evacuation.
4. Mr. Herbek and Sargeant Doran saying that the traffic is so terrible on Route 9 that it is at a standstill.
5. Sargeant Doran said that he heard on the radio someone got "radiated"; sent to hospital; decontaminated; sent home. It would be good to hear of it here in the Police Station even though it has no impact on us.
6. The Chief asked Sargeant Doran if he understood the last transmission? This indicates communication problems.
7. A phone call informed the Sargeant that 9A South is at a complete standstill.
8. Mr. Herbek asked the Chief if any press was expected to which the Chief replied no.
9. Mr. Herbek asked if this (the Police Station) was the Emergency Room? The Chief replied yes, but it is wrong. We should take "top brass" as in the army and set up in one room. Mr. Herbek agreed. The Sargeant thought that the Army would be the best place for protection. Mr. Herbek said that the windows here won't keep radiation out. The Chief said some radiation won't penetrate. The Police men on the roads have dosimeters.
10. Mayor Price came in and Chief Lambruschi told him of the "new" 10 year old radio from the county for better communication between Police Departments.
11. The Mayor said kiddingly, "Did you take your iodide pill?"  
The Chief replied, "It wouldn't do much."
12. Mr. Herbek asked if we have a copy of the Emergency Response Plan?  
Mr. Gagliotti said he thought so; would go upstairs to the Municipal Building to get it. Mr. Herbek thought they should have it to refer to during the day.
13. 9:10: Radio transmission: "This is a drill. This is a drill. County Executive has declared all schools closed in the 10 mile EPZ. Send the children home."
14. Mr. Herbek questioned about parents who work. So many emergency numbers have to be called.
15. Mr. Gagliotti recalled an instance when a siren went off and the Police Department was not informed of it.
16. Mr. Herbek asked if there was any response from Mr. Siegel (school superintendent)?

7. The Chief replied, "No." He added that it is hard to pass messages or get to the right person in the County; get three or four other persons first; it is frustrating dealing with the County. Mr. Herbek agreed; he had just had a similar experience with the County assessment office.
18. Mr. Herbek said that his wife is emergency number to about 10 kids in their neighborhood. He questioned what he should do if he was down county that day and decided to stay out of the 10 mile EPZ. Would his wife be liable for all those children? It sure is crazy, he noted.
19. Kathy Toscani observed no blackboard.
20. The Chief said there is a "hot line" separate from their regular police telephone. It is for all Police Departments and one in Connecticut for major crimes.
21. A message came in over the radio: The siren will be activated for the Drill. (9:46). Sirens sounded.
22. The Mayor said that it is only a test, but questioned its credibility.
23. 9:47; report of a malfunctioning siren.
24. Ten phone calls came in regarding the siren sounding; told "It was only a test."
25. Many commented it didn't seem the sirens went off for the full three minutes.
26. 9:53--call from Hawthorne PD headquarters to see if they could be heard over radio transmission; Sargeant told them on the phone that they came in garbled; he couldn't understand transmission on radio from Hawthorne.
27. The Chief and the Mayor have a special number to interrupt any and all television channels to tell of nuclear emergency. They don't need a special community station for it. (Don't feel this was told to me as public info.)
28. Katherine Feit, member of Parents Concerned About Indian Point, now observing.
29. Siren near High School did not work.
30. Question as to whether Drill was over. Officer told the other one that it wasn't/
31. Someone joked about whether the other person was taking potassium indide pills? And added whether or not the other person had "seen" any radiation yet.
32. 10:58 Hotline - Voice (10:13?) of County Executive O'Rourke declaring State of Emergency county wide.
33. Question arose if they had map with all coordinates? Block out C1 to C~~4~~; but they're not in Croton (Raspberry Hill) Croton is 6B,C,D.
34. Police Department told to shut down Northbound expressway; that's all we are responsible for.
35. Chief Lambruschi hung blue map of ERPA's at 11:03.

36. County heard loud and clear.
37. 11:15 -- radio transmission--Route 9 North and South closed; only one lane open in alternating pattern.
38. Question of manning barricades; that's up to Buchanan; out of our jurisdiction. They will check traffic conditions from Croton to Wlecher Avenue. That's all.
39. Jokes about having thyroid pills. Police on road have them. The Chief had a copy of the evacuation plan now; joking about size; not even pages are numbered. Joking about cost of producing this document.
40. Phone call regarding C8 which is not in our jurisdiction. That's Ossining's; they must have a different color map.
41. Noon -- call; Sargeant answered regarding Montrose Exit; we don't go that far. Are you looking at Blue Map? That's state police. Do you want us to go out of our jurisdiction? I have to clear it with my Chief.
42. The Chief said Croton PD would cover Croton Point exit. We don't have man power for more. We'll do traffic spot check; but not barricade. Call State Police. We have only two men on. This is Croton, not the County.
43. The Chief said they keep talking about Red Map. Do We have one? No, only blue one and it's not updated.
44. Calls coming in every now and then to make sure its working..
45. 12:05 -- Hotline (#29) Drill, drill; at 11:50, Cuman takes over State of Emergency. Evacuate ERPA's 1,2,3,4,7,8,9, Shelter 10,11,14.
46. 12:15 -- Hotline -- Drill, drill - Emergency at reactor #3.
47. Patrolman Shepper on duty now noted the "radiation cloud" is moving NE. We're clear so far unless wind changes.
48. Phone call regarding Rt. 9 Northbound.
49. 12:20 - at Croton Point; just simulate stopping traffic. You do this if cloud comes our way. Right now we're safe.
50. Observations of Lee Culpepper:  
1:18 - call for the Chief. Rt. 9A traffic situation going up the hill earlier in the day.
51. Call answered by Lt. Doran. Ambulance and patrolbar to go to VA Hospital.
52. Someone came in and noted that all is quiet. No problems yet. If it keeps up like this till 4 pm, we'll be OK.
53. Call came in; traffic backed up for miles on 9A. We haven't evacuated anybody. Man needed on scene to "evacuate" 9A traffic.
54. Lt. Doran noted "Everybody in Croton called about those Sirens."
55. Policeman's account of talk at demonstration on effects of radiation at 5 miles (by State & when?) said it "scared the hell out of everybody."
56. During the period from 1:15 to 4:15, very little happened which related to the drill. Things were very quiet.

1 Q. Is it your understanding that that  
2 transmission reflected actual conditions on the  
3 date of March 9 or conditions being simulated for  
4 purposes of the drill?

5 A. (Witness Feit) I believe that was a  
6 real transmission.

7 Q. The transmission --

8 A. (Witness Feit) About traffic  
9 conditions.

10 Q. Reflected actual conditions on the  
11 date of the drill?

12 A. (Witness Feit) Yes.

13 Q. Your deposition was taken by Mr.  
14 Pikus the other day?

15 A. (Witness Feit) Yes.

16 Q. Let me draw your attention to a  
17 question and answer --

18 MS. POTTERFIELD: May we have a page  
19 reference, please?

20 MR. CZAJA: Page 24, starting at the  
21 bottom of the page, and going on to page 25.

22 MS. POTTERFIELD: This is an  
23 examination of Ms. Toscani and not of Ms. Feit.  
24 Since Mrs. Toscani's testimony has been stricken --

25 MR. CZAJA: If you will look at the

1 transcript, you will see I am dealing with a  
2 question that was responded to by Ms. Feit.

3 MS. POTTERFIELD: You can't impeach  
4 Ms. Feit with something Mrs. Toscani said.

5 MR. CZAJA: I am directing her  
6 attention to the statement she made at the top of  
7 page 25. If you would look at the transcript, you  
8 would see that.

9 MS. POTTERFIELD: You said the bottom  
10 of the page.

11 MR. CZAJA: The question starts at the  
12 bottom of page 24.

13 Q. Now, Ms. Feit, you were asked this  
14 question by Mr. Pikus a few days ago and did you  
15 give this answer:

16 "Q. Now, in your testimony, ladies and  
17 gentlemen, you speak about traffic on Route 9 and  
18 Route 9 A. What is the basis for your knowledge  
19 that traffic was congested on Routes 9 and 9 A on  
20 the day of the exercise?

21 "MS. FEIT: Simulation, the part that  
22 I heard was simulation. When it was -- there was  
23 congestion. They sent someone out to simulate  
24 stopping traffic."

25 A. (Witness Feit) I did not have my

1 original notebook there. I was responding to  
2 another situation. I misunderstood the question  
3 at that time.

4 When I went home and reviewed the  
5 notes there were two different statements. So my  
6 answer to you is that number 6 was true as far as  
7 I could tell, that that was correct.

8 The simulation occurred later on in  
9 the day. I misunderstood the question and did not  
10 answer properly because I hadn't reviewed my notes.  
11 So it was an error.

12 MS. POTTERFIELD: I ask that Mr. Czaja  
13 be reprimanded for this. The transcript itself of  
14 the deposition goes on where Ms. Feit says, "  
15 Actually, I am sorry, I misunderstood. Please  
16 forget what I said."

17 MR. CZAJA: I am perfectly happy to  
18 read what she said.

19 THE WITNESS: (Witness Feit) That's  
20 true, because I realized when I answered the  
21 question that I should have been referring to my  
22 notes, and I didn't. So I am saying now that I  
23 made a mistake on that day.

24 MR. CZAJA: Let's read what you said.

25 "Mr. PIKUS: so --

1                   "MS. FEIT: Actually I am sorry, I  
2     don't have anything to say about congestion.  
3     Forget what I said."

4                   THE WITNESS: (Witness Feit) That's  
5     true,. On that day it was true.

6                   JUDGE GLEASON: Are you finished, Mr.  
7     Czaja?

8                   MR. CZAJA: No, I have a few more  
9     questions.

10                  Q.     Now, Ms. Feit, were the police at the  
11     Croton on Hudson police department able to speak  
12     with other police departments on the day of the  
13     emergency?

14                  A.     Yes.

15                  Q.     Mr. Culepper, am I correct in saying  
16     that your observations on March 9 led you to the  
17     conclusion that very few things were called to  
18     your attention on March 9 that went wrong?

19                  A.     (Witness Culpepper) That's true.  
20     There was very little, if anything, called to my  
21     attention in the matter at hand concerning the  
22     evacuation plans.

23                  MR. CZAJA: I have no further  
24     questions.

25                  JUDGE GLEASON: Mr. Brandenburg?

1 MR. BRANDENBURG: I have none

2 JUDGE GLEASON: Any redirect?

3 MR. HASSEL: I have one question  
4 before redirect is begun.

5 JUDGE GLEASON: I am sorry.

6 CROSS-EXAMINATION

7 BY MR. HASSEL:

8 Q. Ms. Feit, I would like to turn your  
9 attention to item 35 which was admitted with the  
10 understanding that it was based on you are  
11 overhearing a conversation, if I am not mistaken,  
12 is that correct, or some comments were made to you?

13 A. Five on page one?

14 Q. Yes?

15 A. (Witness Feit) Hasn't that been  
16 struck?

17 Q. It is my understanding that five was  
18 ruled in based on your having somebody making a  
19 comment to you or your having overheard a  
20 discussion.

21 A. (Witness Feit) Yes.

22 Q. Looking at the second portion of item  
23 5, where it states, "as was a seeming lack of  
24 their sounding the full three minutes," did you  
25 also hear that comment from the person?

1           A.       (Witness Feit) Yes. It was a very  
2 brief exchange that just it just didn't seem to be  
3 a full three minutes. It seemed less based on  
4 just a feel of how long three minutes would be.

5           Q.       Maybe I am not clear. I am trying to  
6 distinguish, at 5, the malfunctioning, that  
7 somebody indicated something to the effect that  
8 one particular siren did not sound, is that  
9 correct?

10          A.       (Witness Feit) No, there were two  
11 separate occasions. That's separate.

12                   MR. HASSEL: I have no further  
13 questions.

14                   JUDGE GLEASON: Any redirect?

15                   MS. POTTERFIELD: Yes.

16 REDIRECT EXAMINATION

17 BY MS. POTTERFIELD:

18          Q.       On the last page of your direct  
19 testimony, Ms. Feit, I direct your attention to  
20 item 37, which is the notes from 11:15 in the  
21 morning about Route 9 north and south, and also to  
22 item 49, which is a notation for 12:20 that day  
23 about traffic at Croton Point.

24                   Can you tell us, if you know, please  
25 which if either of those were real situations and

1 which were simulated situations?

2 A. (Witness Feit) I believe 37 was real  
3 and 49 was simulation.

4 MS. POTTERFIELD: I have no further  
5 questions.

6 JUDGE GLEASON: Thank you very much  
7 for your testimony. You are excused.

8 MS. POTTERFIELD: The intervenors call  
9 Enid Linden.

10 MR. HASSEL: Judge Gleason, if we may,  
11 before the witness actually begins, Ms. Moore did  
12 get ahold of Stuart Glass and he indicated that he  
13 could be here either at 1 o'clock or 1:30, at the  
14 board's pleasure. Which do you want, 1 or 1:30?

15 JUDGE GLEASON: 1:30.

16 MR. BRANDENBURG: Mr. Chairman, did I  
17 understand that the person this afternoon is to  
18 question them on some materials?

19 JUDGE GLEASON: We want to question  
20 them in connection with the material that was  
21 forwarded, which was titled "verification analysis  
22 of Indian Point plans," prepared by Argon National  
23 Laboratory.

24 MR. BRANDENBURG: As of yet day those  
25 had not been received in my offices. I was at

1 FEMA's offices on Friday for the deposition of  
2 their two witnesses who will be appearing tomorrow,  
3 and as of that time the material had not been  
4 served upon the parties.

5 JUDGE PARIS: You entered into a  
6 stipulation with FEMA with regard to that. You  
7 must have seen it.

8 JUDGE GLEASON: I don't think there  
9 was a stipulation.

10 It isn't necessary for you to have  
11 received it. We are not going to be asking the  
12 content of the material. It is just in connection  
13 with the nature of that material.

14 (There was a pause in the proceeding.)

15 MR. HASSEL: Just to make it clear,  
16 the FEMA witnesses will not be available this  
17 afternoon.

18 JUDGE GLEASON: I understand that.  
19 Is this your last witness, Ms.  
20 Potterfield?

21 MS. POTTERFIELD: Yes.

22 JUDGE PARIS: The stipulation I  
23 referred to has never been submitted to the board.  
24 I was in error.

25 (There was a pause in the proceeding.)

1 JUDGE GLEASON: We will proceed after  
2 this witness with your staff witness.

3 MR. HASSEL: That's fine with the  
4 staff.

5 JUDGE GLEASON: Call your next witness.

6 WHEREUPON

7 ENID LINDEN, after being duly sworn  
8 by the administrative judge, testified as follows:

9 DIRECT EXAMINATION

10 BY Ms. Potterfield:

11 Q. Would you state your name and address  
12 for the record, please?

13 A. Enid Linden, 14 Shiply Drive,  
14 Peekskill.

15 Q. Do you have before you a one-page  
16 document that comprises the testimony that you  
17 wish to submit to the Atomic Safety and Licensing  
18 Board?

19 A. Yes, I do.

20 Q. Do you have any additions or  
21 corrections to your testimony?

22 A. I don't.

23 Q. Is it true and accurate to the best  
24 of your information and belief?

25 A. Yes, it is.

1 MS. POTTERFIELD: I move the admission  
2 into evidence of the testimony of Enid Linden as  
3 if read.

4 JUDGE GLEASON: Is there objection?

5 MR. CZAJA: I will abide my objections  
6 in my written papers. I won't argue with the  
7 court's ruling, as I understand the board will not  
8 sustain the objection.

9 MR. BRANDENBURG: I have an objection  
10 to the next to the last paragraph which appears to  
11 relate observations occurring on or about 12:08  
12 p.m., I presume, on March 9. Yet in the first  
13 sentence of the testimony the witness indicates  
14 that she did not even arrive until 2:15.

15 So even under the board's prior rules  
16 of thumb on these matters, I submit that that  
17 paragraph, on its face, doesn't meet any  
18 reasonable standards of reliability.

19 JUDGE GLEASON: What were the periods  
20 that you were there?

21 THE WITNESS: I was there from 2:15  
22 until 4 o'clock. I was told this information by  
23 Mr. Pavone, who is the chief of police and the  
24 head of the EOC there.

25 JUDGE GLEASON: You mean were you told

1 by the chief of police that at 12:08 a message  
2 came in from the EOC?

3 THE WITNESS: Yes.

4 JUDGE GLEASON: When were you told  
5 this?

6 THE WITNESS: When I arrived.

7 MS. POTTERFIELD: Her testimony says  
8 in two places that her information was based on  
9 conversations with Chief Pavone when she arrived  
10 at the Cortland EOC at 2:15.

11 JUDGE GLEASON: Well, I think under  
12 the prior rulings of the board, the testimony will  
13 be admitted.

14 The testimony of the witness will be --  
15 this is really only the testimony of Enid Linden --

16 MS. POTTERFIELD: That's correct.

17 JUDGE GLEASON: -- and so the Flo  
18 Layefsky testimony should be stricken. With that  
19 change the testimony is received in evidence and  
20 bound into the record as read.

21 (The bound testimony follows)

22

23

24

25

FROM: Enid Linden and Flo Layefsky

DATE: April 8, 1983

RE: Observation at Town of Cortlandt Energy Operating Center, Barondehirsh Road

I arrived at the Cortlandt EOC at 2:15 and spoke to Bob Pavone, Cortlandt's only full time police officer and administrator of the EOC. My conversation with Mr. Pavone revealed the following information:

A pertinent map was missing from the Cortlandt EOC.

A radio frequency was being used to transmit messages without the knowledge of the personnel at the Cortlandt EOC.

Equipment available for radiation testing was from World War 11 and not adequate in case of an emergency.

Because of lack of staff (one full time and three part time police officers) the Town of Cortlandt was responsible for traffic control only on 9A. The remainder of the town would be covered by the state police or the police forces of neighboring towns. In view of the fact that both of these facilities would be extremely overtaxed in case of an emergency it is questionable whether they would in fact be able to release personnel to Cortlandt.

At 12:08 a message came in from the EOC in White Plains to evacuate ERPA's 1, 2, 3, 4, 7, 8, 9. This was carried out by Mr. Pavone and staff. Several hours later it was revealed that the evacuation should have been a five mile evacuation which would have included the entire town of Cortlandt. In reality the Southern part of Cortlandt had not been evacuated when in fact it should have. The mix-up apparently had to do with a difference in maps (one marked in miles, one in ERPA's) as well as an abundance of messages, some official others not, coming into the Cortlandt EOC. Mr. Pavone considered the above incident a serious communication breakdown.

Aside from a few incoming and outgoing calls there was little activity at the EOC during the time I was there. My information was obtained through conversation with Mr. Pavone. At 4:00 the drill was declared over.

1 CROSS-EXAMINATION

2 BY MR. CZAJA:

3 Q. Am I correct you arrived at the  
4 Cortland EOC at 2:15 and had a conversation with  
5 Mr. Pavone?

6 A. That's correct.

7 Q. How long did that conversation last?

8 A. I probably spoke to him 10 or 15  
9 minutes then and intermittently through the period  
10 I was there.

11 Q. Now, does the testimony you have  
12 presented to us today contain all of the comments  
13 made by Mr. Pavone on March 9?

14 A. No.

15 MR. CZAJA: I have no further  
16 questions.

17 MR. BRANDENBURG: I have no questions.

18 MR. GLEASON: Any redirect?

19 MS. POTTERFIELD: No, Judge.

20 MS. POTTERFIELD: Does the staff have  
21 any questions?

22 MR. HASSEL: My dilemma is this: I did  
23 have some questions about the paragraph beginning  
24 with "because of the lack of staff," but Ms.  
25 Linden said she did rely on this conversation and

1 I am not sure if she would know the basis for  
2 certain items in that paragraph.

3 JUDGE GLEASON: I presume that whole  
4 thing refers to a conversation.

5 Thank you, Ms. Linden, we appreciate  
6 your testimony.

7 Mr. Hassel, will you proceed.

8 MR. HASSEL: The staff calls John R.  
9 Sears.

10 WHEREUPON

11 JOHN R. SEARS, having been previously  
12 sworn, testified as follows:

13 MR. HASSEL: I believe he has been  
14 previously sworn.

15 JUDGE GLEASON: Yes.

16 MR. HASSEL: I have before me a  
17 document which is a two-page letter dated March 29,  
18 1983, from Thomas T. Martin of the NRC,  
19 Consolidated Edison Company, attention Mr.  
20 John D. O'Toole, concerning the subject of  
21 inspection number 50-247/83-09.

22 Attached to this letter is an NRC  
23 inspection report number 50-247/83-09. consisting  
24 of seven pages.

25 I would like the document, with the

1 attachment, marked for identification as NRC staff  
2 Exhibit 7.

3 JUDGE GLEASON: It will be so marked.  
4 (NRC Exhibit 7 was marked for  
5 identification.)

6 DIRECT EXAMINATION

7 BY MR. HASSELL:

8 Q. Do you have before you a copy of NRC  
9 Exhibit 7, Mr. Sears?

10 A. Yes, sir.

11 Q. Are you familiar with these two  
12 documents?

13 A. Yes, sir.

14 Q. Were these documents prepared in the  
15 regular course of business of the NRC?

16 A. Yes, sir.

17 MR. HASSEL: I would move NRC exhibit  
18 7 into evidence.

19 JUDGE GLEASON: Is there objection?

20 MR. CZAJA: No objection.

21 MR. BRANDENBURG: None.

22 JUDGE GLEASON: Hearing none, the  
23 exhibit, NRC 7, of the staff will be admitted into  
24 the record.

25 MR. HASSEL: I would at this time

1 offer Mr. Sears for any cross-examination.

2 JUDGE GLEASON: Mr. Sears, I should  
3 have said this at the outset, and I want to state  
4 it to your attorney, that even though you are  
5 being called now, it is not because we have time  
6 available, but the board would like you to stay in  
7 attendance at this session because there may be  
8 occasion to recall you.

9 We are not sure of that and I just  
10 want to let you know, because there have to be  
11 some questions that have to be addressed to the  
12 FEMA witnesses.

13 THE WITNESS: Yes, sir.

14 MR. HASSEL: Can I clarify one thing  
15 with that exchange? You want Mr. Sears here  
16 through Friday?

17 JUDGE GLEASON: I am not sure, I am  
18 not certain right at this point.

19 MR. HASSEL: All right, Judge.

20 CROSS-EXAMINATION

21 BY MS. POTTERFIELD:

22 Q. Mr. Sears, I am am man today  
23 Potterfield and I represent the New York Public  
24 Interest Group. How are you today?

25 A. Apprehensive.

1           Q.       Me too. I want to ask you  
2 particularly about page 6 of your testimony.

3                    As I understand it, page 6 continues  
4 a lists of item that began on page 5, which are  
5 items that the NRC team found needed licensee  
6 improvement during the March 9 exercise, am I  
7 right about that?

8           A.       Yes.

9           Q.       Now, the second full paragraph, the  
10 second item on page 6, refers to delays of 45 to  
11 70 minutes.

12                    Would you tell me exactly the times  
13 or those delays? And I am not clear on your  
14 testimony what was involved, where the delay  
15 occurred.

16           A.       I was an observer in the exercise, in  
17 the emergency operations facility. So I personally  
18 observed these delays.

19                    What it amounted to was that a  
20 controller of the exercise would stipulate a  
21 condition and the people in the emergency  
22 operations facility, the director of the  
23 operations facility, would then discuss with his  
24 own people and with an NRC team member -- not an  
25 observer but a man from Region I who was a

1 participant in the exercise rather than an  
2 observer -- he discussed the EOF director, the  
3 Con Ed man discussed with both an NRC man and also  
4 with a New York State representative what the  
5 protective action should be on the basis of what  
6 was happening with the reactor and what was  
7 happening with the plume downwind.

8 At that point both of these people,  
9 the NRC man, communicated with an NRC liaison man  
10 who was in the Albany EOC, the state EOC, and also  
11 the New York State man who was there communicated  
12 with his counterpart in the state EOC immediately,  
13 I would say within minutes, as soon as the  
14 discussion ended.

15 But our complaint here was that the  
16 formal recommendation did not go over what is  
17 called the RECS system. I guess they also call it  
18 the hot line. There was a delay in this  
19 recommendation.

20 Q. And is this the same thing as a delay  
21 in the note if I can days to the county officials  
22 of an escalation in the stage of the accident?

23 A. Well, as I say, there was not a real  
24 delay because the information was being  
25 transmitted on two parallel channels there. Our

1 complaint is a procedural kind of thing. They  
2 have set up this hot line to communicate with New  
3 York State, with the various counties, and so  
4 forth, with their EOCs, and they were not using it.

5 Q. Are you familiar with the post  
6 exercise assessment that has been issued and  
7 distributed by the Federal Emergency Management  
8 Agency?

9 A. Yes, I am.

10 Q. And have you read in that assessment  
11 their criticism that there was a 30 to 60 minute  
12 delay in notifying county officials about the  
13 alert stage of the accident?

14 A. Yes, that's about the alert. This  
15 criticism here, on page 6, refers to the situation  
16 after the alerts. It refers to the situation when  
17 they had a site emergency and it was simulated  
18 there was an actual release of radioactivity.

19 Q. So that the 45 to 70 minute delay  
20 about which you testify on page 6 is a separate  
21 and different delay than FEMA mentioned in its  
22 report?

23 A. Yes. They were talking about the  
24 alert situation, right.

25 Q. Why is it that your testimony doesn't

1 include any information about that first delay?

2 A. About the first alert, as far as I  
3 could see, there was not a delay going from the  
4 licensee out at the alert situation.

5 Q. Do you have any recollection or do  
6 you have your notes with you about the time that  
7 the alert -- that the accident reached the alert  
8 stage and the time that --

9 A. I believe it was very early in the  
10 game. It was either at 7 or 8 o'clock. It was  
11 very early.

12 Q. Is it your testimony here today, then,  
13 that the utilities notified the county officials  
14 in a timely manner over the RECS line once the  
15 accident reached the alert stage?

16 A. To the best of my knowledge, yes. I  
17 checked this with the other observers, the NRC  
18 observing teams, and there is nothing that I can  
19 see there that says that that they did not.

20 Q. Did you, yourself, personally observe  
21 that particular activity?

22 A. No, I did not.

23 Q. You were in the EOF all day, weren't  
24 you?

25 A. No. Part of the time I was in the

1 control room, part of the time I was in the tech  
2 support center and part of the time in the EOF.

3 Q. During the early hours of the  
4 simulated accident were you in the EOF or one of  
5 the other places?

6 A. In the control room.

7 Q. Is it from the control room that that  
8 notification should have gone out to the county  
9 officials?

10 A. That's correct.

11 Q. Do you know whether or not that  
12 notification went out in a timely fashion, you,  
13 yourself?

14 A. I cannot testify honestly to that, no,  
15 because I did not hear it. I was involved -- at  
16 the time I was involved looking at something that  
17 some operators were doing.

18 Q. Now, you mentioned in your previous  
19 answer that there was Amana from NRC Region I, if  
20 I understood you correctly, who was a participant  
21 in the drill.

22 A. Yes.

23 Q. How did that come about, that it  
24 would be a nonutilities person that participated?

25 A. This is a standard procedure. In an

1 accident an NRC team from our regional office  
2 would go to the facility and would be part of the  
3 response team. This is what happened, and the NRC  
4 team was participating in the exercise.

5 Q. Well, it is something I have always  
6 been curious about, Mr. Sears, and maybe you can  
7 tell me then how many utilities employees are in  
8 the control room -- how many were there during the  
9 March 9, 1983 drill?

10 A. There was the regular operating crew  
11 and then who came in within an hour, less than an  
12 hour, half an hour, were called in, management  
13 people. I would say in the control room there may  
14 have been a dozen at one point.

15 Q. In addition to the regular operating  
16 staff -- let me clarify that first. When you  
17 testify that there was a regular operating staff,  
18 by that do you mean there were the numbers of  
19 people that are usually there when the plant is  
20 operating?

21 A. That's correct.

22 Q. Now, in addition to that who else was  
23 there from the utility?

24 A. Well, when the initial alert stage  
25 was reached they, following the regular procedure,

1 called in management people, tech support people,  
2 this kind of thing.

3 Q. So how many additional utilities  
4 employees show up in the control at the initiation  
5 of the alert stage?

6 A. As I say, within about half an hour  
7 after the alert stage was reached, why I would say  
8 there were about a dozen there. Then they, soon  
9 after that, the tech support people repaired to  
10 the tech support center.

11 Q. We are still talking about people  
12 actually in the control room, are we not?

13 A. Yes.

14 Q. So that the regular operating staff  
15 is matched approximately one to one by additional  
16 people who came in from the utility -- employed by  
17 the utility who came in at the alert stage?

18 A. Came in after it, yes. They were  
19 called at that stage.

20 Q. What did those additional utility  
21 employees, or what did he they do doing the March  
22 9 drill?

23 A. They were looking over the shoulder  
24 of the operators. As the simulation of the  
25 exercise proceeded they were seeing what the

1 operators were doing, they were discussing amongst  
2 themselves alternate kinds of things that could be  
3 done, should be done.

4 Q. Did they participate in the  
5 decision-making that took place among the regular  
6 operating staff?

7 A. When you say "participating," they,  
8 let us say, reinforce what the operators were  
9 doing. The operators actually came up with the  
10 solutions to problems themselves. This, as I say,  
11 was being reinforced by the tech support people  
12 that were there.

13 Q. What do you mean by "reinforced"?

14 A. They agreed with them.

15 Q. Did you observe any occasion where  
16 the operators made a decision or took an action  
17 with which the other utility employees disagreed?

18 A. No. As a matter of fact, there was a  
19 situation there where the operators frustrated the  
20 exercise, if you will, because in the exercise a  
21 situation happens where the play was supposed to  
22 go on, but the operators pointed out that if that  
23 situation happened in real life, at that point  
24 they would have to shut down the reactor on the  
25 basis of the operating license. And the

1 controller who had written the exercise scenario  
2 had realized that.

3 Q. At what point in the exercise did  
4 that happen?

5 A. That happened early in the morning,  
6 about 7 o'clock in the morning.

7 Q. Let me refer you to your testimony  
8 about the sequence of the scenario that was  
9 simulated on page 3, and maybe if you can look at  
10 that and refresh your recollection so that we can  
11 know at what point the operator felt that he  
12 should have in real life shut the plant down.

13 A. I believe it was there where a  
14 reactor coolant pump developed a locked rotor.

15 Q. Can you remember at what point during  
16 the day that occurred?

17 A. That was very early in the morning,  
18 maybe 8 o'clock in the morning possibly.

19 Q. 8 o'clock in the morning?

20 A. Possibly. It was early in the whole  
21 exercise.

22 Q. Now, the utilities employees had  
23 participated to some extent in the early  
24 description and writing of the scenario, as I  
25 understand it.

1           A.       There was, yes, liaison between some  
2 utility employees, yes, and the NRC and FEMA in  
3 the writing of the exercise, yes.

4           Q.       Which of the utility employees who  
5 were in the control on March 9 had participated in  
6 writing the scenario?

7           A.       I am not sure exactly which ones. I  
8 can't tell you that. There were utility employees  
9 and also consultants in the control room as  
10 controllers. In other words, these are people who  
11 give a small card to the operator which says that  
12 now a certain meter reads a certain value. Some  
13 of those controllers were utility employees and  
14 some were consultants.

15          Q.       Now, a controller, then, I take it  
16 from your testimony --

17          A.       May I clarify one thing?

18          Q.       Yes.

19          A.       The basic exercise scenario, as I  
20 recall, was written by a consultant. Now to what  
21 extent the utility employees were aware, which  
22 utility employees were aware of all the details of  
23 the scenario, I can't honestly testify to that.  
24 It was a consultant that put together the scenario.

25                   Now, there has to be some liaison in

1 these situations to set it up. Just in the  
2 logistics of these kinds of things, there is  
3 usually one or two employees who are aware of it  
4 but I am not sure which, or possibly none in this  
5 case who were aware of it.

6 Q. What time did you arrive at the  
7 control room?

8 A. Very early. A quarter to 5.

9 Q. When you got there was there a  
10 regular operating staff from the utility in the  
11 control room?

12 A. Yes.

13 Q. Now, that staff or those staff  
14 members were aware that there would be a drill on  
15 that day, were they not?

16 A. Yes.

17 Q. And they were aware that during the  
18 drill that before the day was over, that the  
19 simulated accident would reach the stage of a  
20 general emergency, were they not?

21 A. No.

22 Q. It is your testimony that these  
23 employees at the utility didn't know that the  
24 drill was to exercise every possible stage of a  
25 simulated accident?

1 A. They did not know the scenario.

2 Q. But they knew, did they not, Mr.

3 Sears?

4 A. They could surmise an awful lot but  
5 they did not know the scenario.

6 Q. You don't mean to suggest, do you,  
7 that they really thought that the exercise would  
8 not proceed to a general emergency stage, do you?

9 A. I am not suggesting anything. I can  
10 tell you the fact is that the operators did not  
11 know the scenario. It was brand new to them.

12 Q. But it is also your testimony that  
13 there may have been one or two utility employees  
14 in the control room who had participated in --

15 A. I didn't say control room. I said  
16 there may have been one or two utility employees  
17 who may have been aware of the details of the  
18 scenario. He was not necessarily in the control  
19 room.

20 Q. Are you aware of occasions on which  
21 county representatives found it difficult to get  
22 an utility personnel person to answer the intercom  
23 at the utility?

24 A. No, I am not aware of it.

25 Q. Did you read that in the post

1 exercise assessment that's been issued and  
2 distributed by the federal management --

3 A. I read the proposed assessment. I  
4 don't recall it.

5 MR. HASSEL: Do you have a page  
6 reference?

7 MS. POTTERFIELD: Yes. I want to show  
8 the witness a copy of pages 21 and 22 of the post  
9 exercise assessment.

10 MR. HASSEL: I will put it before him.

11 Q. Beginning, Mr. Sears, at the bottom  
12 of page 21, "It was observed, however, that  
13 internal communications between state and county  
14 representatives and utility personnel were  
15 sometimes hampered."

16 Continuing on to 22, "On several  
17 occasions it was difficult to get utility  
18 personnel to answer the telephone intercom."

19 A. Yes.

20 Q. My question to you is, did you  
21 observe that difficulty?

22 A. Not specifically this difficulty.  
23 However, there were -- this whole business of  
24 communication between state and county  
25 representatives and utility personnel in the EOF

1 was hampered, in my my opinion it was hampered by  
2 all the observers we had there.

3 At one point there were 12 observers,  
4 of all different persuasions, in the EOF, and it  
5 did become rather crowded, simply because we had  
6 so many observers.

7 So that what happened was that the  
8 state representative actually came down -- his  
9 desk is up on the second floor -- I don't know if  
10 you have visited the EOF, but it is a two-story  
11 thing, and his regular desk is on the second floor  
12 and he came down onto the floor level of the EOF  
13 in order to communicate better with the utility  
14 people.

15 Q. Is it your understanding that those  
16 observers would be there in the event of a real  
17 accident?

18 A. I would certainly hope not.

19 Q. You know, don't you, that none of  
20 those observers were representatives of intervenor  
21 groups?

22 A. I couldn't tell you who all of them  
23 were.

24 Q. Turning again to page 6 of your  
25 testimony, the next item that you list that needs

1 improvement by the utilities has to do with the  
2 emergency operation facility message forms.

3 A. Yes, ma'am.

4 Q. You indicate that those forms contain  
5 sufficient space to effectively describe the  
6 protective action.

7 A. That's correct.

8 Q. Those forms are standardized forms,  
9 are they not?

10 A. They are forms -- they are New York  
11 State forms, yes, ma'am.

12 Q. They are New York State forms?

13 A. Yes. And the problem is that there  
14 is so much extraneous information on them that  
15 there is relatively space for the important  
16 information.

17 Q. What would you characterize as the  
18 extraneous information that appeared on those  
19 forms?

20 A. I can get the form and demonstrate it,  
21 but the form is made up for an emergency at any  
22 reactor in New York State. So right at the  
23 beginning of it there is quite a bit of space that  
24 is used up saying that this is an accident at  
25 Indian Point or some of the other reactors. And

1 this is a waste of space, in my opinion, to be  
2 used at Indian Point.

3 Q. In your opinion the extraneous  
4 information is preprinted on the forms?

5 A. Yes.

6 Q. It is not information that is asked  
7 to be written in?

8 A. No. It just takes up too much space  
9 there. When they need space to put down what the  
10 protective actions are, that's very cramped.

11 Q. Now, assuming hypothetically that the  
12 Federal Emergency Management Agency is correct  
13 when it says there was a 30 to 60 minute delay in  
14 the notification of the alert, would you consider  
15 that a delay that would reduce the effectiveness  
16 of off site actions?

17 A. Yes, I would agree to that,  
18 especially if this O'Rourke plan is activated  
19 where you are going to send the school children  
20 home at the alert stage, yes. There should not be  
21 a delay, yes.

22 JUDGE PARIS: I wasn't able to follow  
23 that. Would you speak into the microphone, please,  
24 Mr. Sears.

25 THE WITNESS: I am sorry.

1 JUDGE PARIS: Could you repeat your  
2 last couple of sentences.

3 THE WITNESS: Would you mind  
4 repeating the question.

5 Q. Assuming hypothetically that the  
6 Federal Emergency Management Agency was correct  
7 when it reported there was a 36 to 60 minute delay  
8 in reporting the alert stage, would you consider  
9 that a delay that would reduce the effectiveness  
10 of off site actions?

11 A. Number one, I am not sure that the  
12 delay occurred in the licensee's organization. As  
13 a matter of fact, I cannot testify honestly it did  
14 occur in the licensee's organization.

15 Q. Other the other hand, you can't  
16 testify that it did not?

17 MR. HASSEL: Ms. Potterfield, will you  
18 please let the witness finish his answer.

19 A. It may have occurred in the  
20 communication off site to the various  
21 organizations off site. But the other part of my  
22 answer is that, no, I believe that there should  
23 not be a delay.

24 The whole purpose in what we are  
25 doing in an emergency planning is to see that

1 communication about the situation at the plant  
2 gets out to off site authorities as quickly as  
3 possible.

4 Q. Was is not also your previous answer,  
5 Mr. Sears, that that would be a delay that would  
6 reduce the effectiveness of off site actions given  
7 the O'Rourke plan for the school children?

8 A. Well, I would not use your language  
9 but it would certainly be a delay which, in my  
10 opinion, they should work on to make sure there is  
11 no delay.

12 Q. Assuming hypothetically again that  
13 the delay was initiated at the utility, would you  
14 have considered that to have been a violation when  
15 you reached your conclusion -- let me withdraw  
16 that and be a little bit clearer.

17 The conclusion you reached in your  
18 testimony about this year's drill was that no  
19 violations were identified.

20 A. That's correct.

21 Q. Assuming hypothetically that the  
22 delay we are talking about in notification of the  
23 alert stage had been initiated at the utility,  
24 would you have considered that a violation?

25 A. No, I would not have been a violation.

1 It is an area for improve meant, it is an area  
2 where more training or change in procedures is  
3 necessary.

4 Q. You are aware, are you not, Mr. Sears,  
5 that the exercise scenario for March 9, 1983,  
6 included the exercise of the so-called O'Rourke  
7 plan early dismissal for children?

8 A. I am aware of it now, yes.

9 Q. Does that change your answer about  
10 whether or not it would have been a violation if  
11 the utilities had to delay 30 to 60 minutes in  
12 notifying officials of the alert stage?

13 A. If the utility -- all this is  
14 hypothetical you are giving me here -- if indeed  
15 the O'Rourke plan was in force and there is there  
16 is a 60-minute delay by a licensee after the alert  
17 stage is reached, clearly this is unsatisfactory.

18 MS. POTTERFIELD: No further questions.

19 CROSS-EXAMINATION

20 BY MR. BRANDENBURG:

21 Q. Mr. Sears, you indicate on page 2 of  
22 the inspection report, page 4 of your testimony  
23 which you include in the letter, you state in the  
24 second paragraph at the bottom of the page, under  
25 the caption "Pre-exercise activities" that NRC

1 Region I representatives participated in the  
2 development of the exercise scenario."

3 Do you see that passage?

4 A. Yes, sir.

5 Q. Now, to your knowledge did the NRC in  
6 reviewing the scenario consider whether the  
7 accident that was being exercised, which you go on  
8 to describe at the top of the next page, was a  
9 dominant contributor to risk at Indian Point? Was  
10 any evaluation of that sort of thing made, to your  
11 knowledge?

12 A. To the best of my knowledge, no, that  
13 kind of evaluation was not done, no, sir.

14 Q. Now, looking at the sequence as it  
15 unfolded as you describe at the top of page 3,  
16 there is a cascading of events leading to off site  
17 release. The milestones for the occurrence of  
18 these vents on March 9, however, were somewhat  
19 constrained by the duration of the exercise, is  
20 that not correct? They would have occurred at a  
21 different rate of speed, if you will, different  
22 elapsed times between the significant milestones  
23 in the accident if such an accident were to occur  
24 in actuality?

25 A. I can't give you a yes or no answer

1 to that, sir. Probably, yes.

2 Q. Well, do you recall from the exercise  
3 scenario, for example, when the large break LOCA  
4 occurred and then how many minutes or hours  
5 elapsed until it commenced with the release off  
6 site, something like that?

7 A. I believe the large LOCA occurred at  
8 about 10 o'clock and-- 9:30, I think, and I  
9 believe there was a release of radioactivity not  
10 until either 11 or 12. So there was quite a delay.

11 Q. Now, would the large break LOCA be  
12 considered the initiating event for the accident  
13 sequence if this scenario were to unfold in  
14 actuality, or would it be some earlier event like  
15 the failure of the reactor coolant pump, or some  
16 other event discussed on the top of page 3?

17 A. It was the large break LOCA which  
18 initiated a site emergency and then eventually, as  
19 we say here, the hydrogen burn resulted in a  
20 malfunction of a valve which then released --  
21 resulted in the release of radioactivity to the  
22 environment.

23 So, yes, I would say it was the large  
24 break LOCA that really started things going worse.

25 Q. Now, your bottom line conclusion, if

1 I can characterize it that way, on the last page  
2 of your testimony, is that what you observed on  
3 March 9 led you to conclude that the licensee's  
4 activities would adequately provide protective  
5 measures for the health and safety of the public.

6 Did you consider such things as when  
7 the schools -- that the early dismissal would be  
8 initiated, when evacuation would commence, at what  
9 speed it would unfold, things of that sort, and  
10 then contrast that with the rate at which an  
11 actual accident would unfold as described on the  
12 top of page 3, the millstones of time, and so  
13 forth, in arriving at the conclusion on the last  
14 part of your testimony?

15 A. No. My conclusion really refers to  
16 what I and the other NRC observers observed the  
17 licensee's personnel doing.

18 JUDGE GLEASON: In other words, Mr.  
19 Sears, your observations, in fact your report, is  
20 limited to on site activities alone, not off site?

21 THE WITNESS: This report, yes, sir.

22 Q. Now, in the last sentence of your  
23 testimony you indicate that licensee management  
24 acknowledged the findings contained in what is now  
25 your testimony and indicated that appropriate

1 action would be taken regarding the identified  
2 improvement areas.

3 Have you participated or, to your  
4 knowledge, have other representatives of the NRC  
5 participated in discussions with management of the  
6 Indian Point 2 station to bring those improvements  
7 about? Has that process started?

8 MS. POTTERFIELD: I object. It is not  
9 adversarial.

10 MR. BRANDENBURG: We don't know that  
11 until we find out what his answer.

12 JUDGE GLEASON: It is one of those  
13 questions where we have to see what the answer is.

14 A. The answer is yes.

15 Q. And let me ask you this: Your  
16 inspection report is dated March 29. Yet the  
17 exercise occurred on March 9, some 20 days earlier.

18 Did these discussions that you refer  
19 to in the last sentence of your testimony enter  
20 into your thought processes in concluding that  
21 there were no violations identified in the  
22 exercise?

23 In other words, do you consider these  
24 discussions after the accident about areas of  
25 improvement, and so on, in making your overall

1 assessment?

2 A. No. My overall assessment was on the  
3 basis of what actually occurred during the  
4 exercise. These discussions that I have had with  
5 the licensee's representatives on these areas of  
6 improvement just reinforce what I have written  
7 here, that indeed, in my judgment, the  
8 licensee's actions were such that the health and  
9 safety of the public would be protected.

10 MR. BRANDENBURG: Mr. Chairman, I  
11 understood this witness to testify under  
12 cross-examination by Ms. Potterfield that he was  
13 familiar with the post exercise assessment and I  
14 also recall you indicated that he might be  
15 recalled, which I surmise at least at some point  
16 it might be useful to ask this gentleman about his  
17 post exercise judgment, but I believe your Honor  
18 would want to defer that until after the FEMA  
19 people appear.

20 Am I misconstruing that?

21 JUDGE GLEASON: Are you interpreting  
22 my request to have Mr. Sears stay available as  
23 being an intention to concentrate on post exercise  
24 improvements? Is that your question?

25 MR. BRANDENBURG: I guess I am just

1 really inquiring as to the timing of my inquiry  
2 into this witness' impressions about the FEMA post  
3 exercise assessment that he was asked about by Ms.  
4 Potterfield. We can do it now or if you  
5 anticipate recalling him, perhaps it might be more  
6 fruitful to ask this witness about the post  
7 exercise assessment of FEMA after the FEMA  
8 witnesses have appeared.

9 MR. HASSEL: If I may, Judge, it  
10 appears to me that Mr. Brandenburg has an area of  
11 inquiry that the board would permit that is  
12 related to something Ms. Potterfield has gotten  
13 into this morning, I would strongly suggest it be  
14 asked now in terms of the structure of the record.

15 JUDGE GLEASON: Yes. I also think  
16 that you should stay with the testimony.

17 MR. BRANDENBURG: Ms. Potterfield did  
18 ask about the FEMA assessment and that opens up  
19 entire vistas of cross-examination here.

20 JUDGE GLEASON: You are not asking  
21 questions dealing with Ms. Potterfield's  
22 cross-examination. You are asking  
23 cross-examination questions with respect to Mr.  
24 Sears' statements. That's where it should stay.

25 MR. BRANDENBURG: In that event, I

1 have no further questions.

2 MR. CZAJA: I have nothing.

3 JUDGE GLEASON: Any redirect?

4 MR. HASSEL: No redirect.

5 JUDGE PARIS: Mr. Sears, I would like  
6 to go back to the team findings on page 6 and  
7 explore a little bit more the 45 to 70 minute  
8 delay which the team observed was the experience  
9 between EOF discussions or transmissions and  
10 transmissions or recommendations to the State of  
11 New York.

12 First, does this correspond to the 30  
13 to 60 minute delay reported by FEMA which Ms.  
14 Potterfield asked you about?

15 THE WITNESS: No, sir. What Ms.  
16 Potterfield was referring to was a delay at the  
17 alert stage, very early in the game.

18 What I am referring to here is later  
19 on when an effluent was actually leaving the plant  
20 and discussions were held about protective action  
21 in view of that effluent, and there was a delay in,  
22 let's say, two instances of the formal  
23 transmission of those protective actions and  
24 recommendations.

25 JUDGE PARIS: Would protective actions

1       await the transmission of the -- the formal  
2       transmission of the recommendations to the State  
3       of New York and the state ordering protective  
4       actions taken before they occurred?

5                   THE WITNESS:  No, sir.  As a matter  
6       of fact, they did not wait for this formal  
7       transmission.  The state was already taking  
8       advantage of the fact that their own state people  
9       and NRC people, as I say, were at two parallel  
10      chains of communication to the New York State EOC.

11                   Our complaint here is about this  
12      formal transmission.  They have this system set up  
13      and there was a delay in the use of it.

14                   JUDGE PARIS:  What is the function of  
15      the the formal transmission?

16                   THE WITNESS:  The formal transmission  
17      goes out through this RECS system, which is a hot  
18      line system, to all of the EOCs at the same time.

19                   I have discussed this delay, by the  
20      way, with the EOF director afterward and asked if  
21      he had any rebuttal to our complaint here.  And  
22      his explanation was that, well, we wanted to give  
23      the state time for them to consider what our  
24      recommendations here from the EOF were just in the  
25      exercise, if you will.

1 JUDGE PARIS: When you state in the  
2 plural, are you talking about the counties as well?

3 THE WITNESS: No, New York State.  
4 Because the recommendations for protective actions  
5 were coming down to the counties from New York  
6 State.

7 JUDGE PARIS: Well, were the counties  
8 awaiting recommendations from New York State  
9 before they took protective action?

10 THE WITNESS: I would say yes, sir.

11 JUDGE PARIS: In fact no protective  
12 action was taken presumably until 45 to 70 minutes  
13 after the recommendations were arrived at in  
14 discussions in the EOF, is that right?

15 THE WITNESS: I can't be sure of that.  
16 The communication then from the state back to the  
17 local counties, that part of it I can't testify to.

18 JUDGE PARIS: So you don't know when  
19 the New York State notified the counties that  
20 protective action was necessary?

21 THE WITNESS: I can't testify to that,  
22 no.

23 I did hear -- on the RECS system, as  
24 soon as the licensee's people in the EOF would  
25 make this formal recommendation going out over

1 this hot line, and the recommendation would be,  
2 for example, to shelter in a certain area or to  
3 evacuate a certain area, there would immediately  
4 come on a voice from New York State which would  
5 assert that these recommendations should not be  
6 implemented immediately; that New York State would  
7 evaluate these recommendations and would then make  
8 their own recommendations to the counties.

9 JUDGE PARIS: This occurred after the  
10 the recommendations from the EOF, which were  
11 delayed 45 to 70 minutes, were relayed to New York?  
12 Was there a further delay then between New York  
13 and the counties, is that what you are saying?

14 THE WITNESS: I can't honestly  
15 testify to that. As I say, I don't know about the  
16 chain of communication. I did the not hear the  
17 chain of communication from the state to the  
18 counties then.

19 JUDGE PARIS: Now, in the case where  
20 formal transmission for the population between  
21 five and ten miles waited until the plume had  
22 extended beyond five miles, this means that the  
23 plume presumably was over the people with respect  
24 to when the transmission was being transmitted  
25 from the EOF to the state, is that correct?

1 THE WITNESS: I would say that's  
2 correct.

3 JUDGE PARIS: Presumably no county  
4 action had been taken because they had received no  
5 transmission from the state to do so?

6 THE WITNESS: I would say that's  
7 correct, yes, sir.

8 JUDGE PARIS: Thank you.

9 THE WITNESS: May I --

10 JUDGE PARIS: Anything you want to do  
11 to clarify it, will be helpful.

12 THE WITNESS: The projections of  
13 doses, and so forth, were being made in the EOF by  
14 two ways. One of the problems is our exercise,  
15 sir, in my opinion we don't do a good job of using  
16 off site monitoring teams in these exercises.  
17 There is a tendency for the people in the EOF to  
18 use their dose projections on the basis of models.  
19 And the off site teams, I don't know if we  
20 mentioned it here -- I do, in areas for  
21 improvement, we do talk about off site monitoring.

22 JUDGE GLEASON: Where is that?

23 THE WITNESS: Page 45, the bottom of  
24 the page. In my opinion we do a pretty good job  
25 of exercising the fellows in the control room. We

1 give them a problem and say go solve this problem.  
2 We do a pretty good job of exercising the people  
3 in the tech support center.

4 But the use of the monitoring teams,  
5 this is almost a generic kind of complaint we have  
6 about that and it is probably our own fault, the  
7 people who make up the scenarios for these things.  
8 We send a monitoring team out. These monitoring  
9 teams are qualified to do their jobs. They are  
10 HP tech types, they know how to monitor. They do  
11 it regularly in the plants or they do it regularly  
12 in the environment, environmental monitoring kind  
13 of people. But we simply haven't gotten a good  
14 system of having them track the plume.

15 We send them out to a particular  
16 place and give them a little card and say this is  
17 the reading at that place. Of course they stick a  
18 GM tube out of the window of the car and they read  
19 background. So then they sit there in the car.

20 We have had people sit there for a  
21 couple of hours, and this would not happen in real  
22 life. An HP tech would see a reading and he would,  
23 if nothing else, be curious enough to know to  
24 traverse the plume or find out which way it would  
25 go, up or down.

1                   As I say, it is part of the problem  
2 of how to use these off site monitoring teams in  
3 an exercise and how to factor their readings back  
4 into the projection of the dose.

5                   JUDGE PARIS: It sounds like these off  
6 site technical types aren't very good play actors.

7                   THE WITNESS: I think it is our fault  
8 who write the scenario in the first place. I  
9 admit we haven't done a good job of writing the  
10 exercise in a way to use those people well.

11                   JUDGE PARIS: You think an imaginative  
12 playwright might be able to write an exercise for  
13 the off site people that would be more effective?

14                   THE WITNESS: I think we need much  
15 more detailed kind of information from them. You  
16 send a guy out, for example, to a crossroad and  
17 say get a reading right here. Then we should also  
18 have a means of saying that if you traverse the  
19 plume, the readings are going to go up.

20                   He would not, in real life, just sit  
21 there, I know.

22                   JUDGE PARIS: I see what you are  
23 saying.

24                   Let me ask one final question. Since  
25 you were in the EOF, I would like to know if the

1 high tech device for conveying written information  
2 from the first floor to the second floor of the  
3 EOF worked; that is, the rope with the two clip  
4 boards on it stretched between the pulleys.

5 THE WITNESS: It worked. I saw it  
6 work.

7 JUDGE GLEASON: In connection with  
8 your testimony, Mr. Sears, on the delays in the  
9 EOF you indicated these delays did not reduce the  
10 off site effectiveness, the effectiveness of off  
11 site actions.

12 What off site actions does that  
13 report refer to?

14 THE WITNESS: In answer to Ms.  
15 Potterfield's question, the off site action there  
16 at the alert stage would be this business of  
17 sending the school children home.

18 The delays further on in the exercise  
19 would have been about sheltering or evacuation.

20 JUDGE GLEASON: So when you are  
21 talking about off site actions, you are referring  
22 to those two specific areas of off site actions as  
23 not having their effectiveness mitigated?

24 If you will look at page 6, the last  
25 sentence of that paragraph which talks about delay,

1 "Delay in formal recommendations did not reduce  
2 the effectiveness of off seat actions."

3 The question was what off site  
4 actions were you referring to?

5 THE WITNESS: What we are referring  
6 to here is that this formal recommendation was  
7 delayed but because there were two other parallel  
8 chains of communication to New York State, that  
9 this delay in that formal recommendation did not  
10 delay the decision-making process in New York  
11 State and the decision-making process --

12 JUDGE GLEASON: You were not referring  
13 to the effectiveness of the off site action, you  
14 are referring to whether that delay had any effect  
15 on the off site actions, is that correct?

16 THE WITNESS: I guess so.

17 JUDGE PARIS: Didn't you testify that  
18 no off site action was taken until after the  
19 formal recommendation went to New York?

20 THE WITNESS: No, sir, I can't be  
21 sure of that. That's what I said, I can't be sure  
22 about the communication then from New York State,  
23 after they had received this information both  
24 through the NRC chain and through the New York  
25 State chain, from the EOF up to Albany, then their

1 communication back to the counties, that part of  
2 it did not be sure of.

3 JUDGE PARIS: I am confused. Do you  
4 know whether New York State transmitted an order  
5 to the counties to take shelter, or whatever  
6 action was recommended, do you know whether that  
7 communication to the counties from New York State  
8 awaited the transmission of the formal  
9 recommendation from the EOF?

10 THE WITNESS: From my personal  
11 observation, I can't answer that question that I  
12 do know that. However, I do know that the New  
13 York State representative in the EOF did  
14 participate in discussions with the NRC  
15 representative and the EOF director, and that he  
16 then immediately, at the end of the discussion, he  
17 immediately communicated his recommendations  
18 through his own communication to New York State  
19 health people in Albany.

20 So that that part of the chain of  
21 communication did not wait upon this formal  
22 transmission through this RECS system.

23 JUDGE PARIS: Is the order for  
24 protective action to take place supposed to await  
25 the transmission of the formal recommendation?

1 THE WITNESS: No, sir, not  
2 necessarily.

3 JUDGE PARIS: What did you tell me the  
4 function of the formal transmission is again?

5 THE WITNESS: Well, it is set up  
6 there, it is a good, modern system, hot line  
7 system and it is set up, and our comment here is  
8 that it was not being used the way we think it  
9 should be used. As soon as they finish the  
10 discussions they should have gone over to the RECS  
11 system, picked it up and formally communicated the  
12 result of their discussions, which was some  
13 protective action.

14 JUDGE PARIS: Rather than just leaving  
15 it up to the state representative to call up there?

16 THE WITNESS: Yes. And also the NRC  
17 guy to do it through his chain.

18 JUDGE GLEASON: Mr. Sears, did the NRC  
19 staff have observers in the emergency operating  
20 centers in the counties?

21 THE WITNESS: We had a man in Albany  
22 but he was a participant, he was not an observer.

23 JUDGE GLEASON: He was a participant?

24 THE WITNESS: Yes, sir.

25 JUDGE GLEASON: The state was

1 operating?

2 THE WITNESS: Yes, sir. We did not  
3 have observers in the off site EOCs.

4 JUDGE GLEASON: So the only appraisal,  
5 personal appraisal that the staff would have of  
6 the effectiveness of off site activity would be  
7 from the perspective of that individual on the  
8 state level?

9 THE WITNESS: Yes. We discussed with  
10 him naturally his impressions of how well the  
11 state worked in the state EOC. That's ancillary  
12 to his primary job of being a participant.

13 JUDGE GLEASON: What was his a,  
14 participatory role?

15 THE WITNESS: His participatory role  
16 was a liaison man between our NRC participant in  
17 the EOF. We had a team come from Region I and  
18 some of them came to the licensee's EOF and one of  
19 them went up to the Albany EOC. He was the  
20 liaison man for communications.

21 JUDGE GLEASON: Thank you very much.  
22 You are excused.

23 MS. POTTERFIELD: Judge Gleason, I ask  
24 the board's permission to ask one follow-up  
25 question on Judge Paris' line of questions.

1 JUDGE GLEASON: All right.

2 CONTINUED CROSS EXAMINATION

3 BY MS. POTTERFIELD:

4 Q. Do I understand from your prior  
5 testimony that the state representative in the EOF  
6 who made that telephone call separately from the  
7 delayed call on the RECS line -- you know who I am  
8 talking about?

9 A. Yes.

10 Q. -- he is one of the observers?

11 A. No to. He is a participant in the  
12 drill. Not an observer.

13 Q. What time did he get there?

14 A. I couldn't testify to the exact time  
15 he got there.

16 Q. Do you know whether he is somebody  
17 who is on a phone list to come down from Albany?

18 A. I couldn't tell you.

19 Q. You don't know what his lead time is?

20 A. No.

21 Q. Does he have a title or a name that  
22 you could give us?

23 MR. HASSEL: If you know.

24 A. I can't recall. I met the guy, he is  
25 a sharp guy, and I can't recall.

1 MS. POTTERFIELD: Thank you.

2 JUDGE GLEASON: Thank you, Mr. Sears.

3 You are excused for now.

4 Before we take our recess there is  
5 one item here that we are prepared to move, and  
6 that is the motion for admission into evidence of  
7 the EPZ tour documents.

8 Is there any objection to that?

9 MS. POTTERFIELD: I haven't been  
10 served with that motion, I don't think.

11 MR. CZAJA: We served it last week.

12 MS. POTTERFIELD: You must have served  
13 it on Mr. Blum.

14 MR. CZAJA: What I believe we did is  
15 we distributed copies at the hearing, then served  
16 everybody on the service list by mail.

17 MS. POTTERFIELD: Somehow I haven't  
18 looked at it.

19 JUDGE GLEASON: Give her a copy and  
20 she will look it over at lunch and she can discuss  
21 it with Ms. Posner.

22 MR. HASSEL: I must also admit I don't  
23 have a copy.

24 JUDGE GLEASON: It is really the  
25 documents that we had on the tour.

1 MR. HASSEL: Based on the board's  
2 representation --

3 JUDGE GLEASON: You should look at it  
4 yourself.

5 We will be back here at 1:30.

6 MR. CZAJA: Judge, I think I am going  
7 to have to borrow your copy. We don't seem to  
8 have a copy here for Ms. Potterfield.

9 JUDGE GLEASON: All right.

10 MS. POTTERFIELD: One clarification  
11 before we break. I distributed this morning a  
12 motion. To insure the completeness of the record,  
13 I omitted a page citation on page 3 of that motion.  
14 I would like to supply that now if it is not too  
15 inconvenient a time.

16 JUDGE GLEASON: which page?

17 MS. POTTERFIELD: Page 3, the second  
18 full paragraph having to do with our fourth  
19 request, the transcript page should be 14297.

20 JUDGE GLEASON: Which line?

21 MS. POTTERFIELD: It is the first full  
22 paragraph, Judge Gleason, the fifth line.

23 JUDGE GLEASON: What should the  
24 transcript page be?

25 MS. POTTERFIELD: 14297.

1 JUDGE GLEASON: We will stand in  
2 recess until 1:30.

3 (Luncheon recess commenced at 12 noon.)  
4 (Afternoon session, 2 p.m.)

5 JUDGE GLEASON: Let's proceed, please.  
6 (Stuart Glass is present.)

7 Mr. Glass, we appreciate your coming  
8 out in an unplanned appearance at the request of  
9 the board.

10 The board received, as you know,  
11 Monday night at the hotel and, as the letter  
12 indicated, the enclosure was sent to the other  
13 parties on the service list, ought though Mr.  
14 Brandenburg indicated he just received his today.

15 MR. BRANDENBURG: I borrowed a  
16 courtesy copy from the staff, Mr. Chairman.

17 JUDGE GLEASON: I am referring to the  
18 enclosure of something called "Indian Point plans  
19 verification analysis," prepared by the energy and  
20 environmental system of the Argon National  
21 Laboratory for the Federal Emergency Management  
22 Agency, which was prepared in conjunction with  
23 emergency preparedness for the Indian Point  
24 nuclear power station.

25 Do you know whether all parties have

1 received a copy of this by this point?

2 MR. GLASS: We distributed by mail on  
3 Monday copies to the parties. We also provided,  
4 besides the copies we brought to the hotel for  
5 your use, member of the board and the members of  
6 the NRC staff, we also provided Ms. Moore an  
7 additional nine or ten copies to be brought to his  
8 hearing yesterday to be distributed to the  
9 individuals, so we could be sure to get them  
10 distributed in a timely manner.

11 JUDGE GLEASON: The questions we have  
12 currently are with respect what is the nature of  
13 this document and what purpose you have forwarded  
14 it to the board and the parties for.

15 There was some discussion, at some  
16 prior point there was a motion that was not moved,  
17 because I gather it had become moot, of your  
18 intent to offer this as testimony at one time.

19 I guess the fundamental question is  
20 we would like to get some discussion from you as  
21 to what the purpose of it is, and how it relates  
22 to your testimony which has been prefiled and is  
23 coming forward.

24 MR. GLASS: Number one, it was sent as  
25 a board notification so the board would be aware

1 of activities that are taking place in FEMA region  
2 two.

3 It is unrelated to the material  
4 dealing with the post exercise assessment. Though  
5 our original intent was to have this survey  
6 completed and the material tabulated before the  
7 post exercise assessment to assist us in that  
8 endeavor, the material was not tabulated until  
9 sometime after that date and was not utilized  
10 either in the preparation for the exercise or in  
11 the evaluation of the exercise.

12 It is a separate document from the  
13 post exercise assessment and the observations  
14 relating to the exercise.

15 JUDGE GLEASON: So that it wasn't in  
16 fact used by FEMA in the post exercise drill.

17 MR. GLASS: Yes.

18 JUDGE GLEASON: And it hasn't been  
19 used in any way?

20 MR. GLASS: It has not been used, as I  
21 say, dealing with the exercise.

22 The most accurate statement is  
23 contained in the middle of the introduction at the  
24 end of the first paragraph, "The purpose of this  
25 document to assist FEMA region two in verifying

1 the training and resources set forth in the County  
2 emergency radiological response plans."

3 This information, the original raw  
4 data at least, was shared with the State of New  
5 York orally and with the counties that had  
6 anticipated, the counties we had conducted the  
7 verification for, which would be Orange, Putnam  
8 and Westchester counties.

9 We gave those counties and the state  
10 an opportunity to respond to it or forward any  
11 additional comments or clarification to us as they  
12 relate to the plan.

13 The tabulation of data which is  
14 contained in the nine tables or the ten tables is  
15 a complete set of information at this time.

16 The information that deals with the  
17 summary at the beginning, that comprises the text  
18 of this document, is a draft that has been  
19 forwarded through Argon National Laboratory for  
20 review by our individuals and has not actually  
21 been completely reviewed either by our staff or by  
22 Argon. They have made an offer that if we feel it  
23 necessary is, they will produce a final report for  
24 us.

25 JUDGE GLEASON: So is what you are

1 saying that anything up to the tables is still in  
2 a review process?

3 MR. GLASS: That is correct. I think  
4 the best way to see how we are using this is if I  
5 give you a few examples. We noticed or the result  
6 of the survey indicated that a particular hospital  
7 in Putnam County was not equipped to handle or  
8 treat people who were radiologically contaminated.  
9 This was discussed with the county and the county  
10 and the state have indicated that they are aware  
11 of that fact and that they are making plans to  
12 have the ambulances that would have normally taken  
13 individuals to that hospital, transport them to  
14 another facility.

15 That would be one example of what has  
16 been turned up in this report.

17 We found out that as far as the  
18 ambulances go, we found out there were three  
19 ambulance cores that were called for to respond in  
20 the plan that no longer exist and the counties are  
21 taking action to make sure that those particular  
22 ambulance cores are being replaced or supplemented  
23 in the plan.

24 We found that one ambulance corps had  
25 just come into being around the middle of March

1 and was not aware of the plan and, therefore, the  
2 county is now taking action to make sure that they  
3 are trained.

4           These are some of the types of  
5 material that has come back. It is part of the  
6 350 process, the interchange of our reviewing the  
7 actual facts that are in the plan and coming back  
8 to the county and saying yes, we have seen these  
9 things have been accomplished but now we find that  
10 some of the pieces called for in the plan do not  
11 exist or have deficiencies.

12           JUDGE GLEASON: So you consider this  
13 information, the tables and the information  
14 supporting it, as part of the ongoing process with  
15 emergency plans?

16           MR. GLASS: Yes.

17           JUDGE GLEASON: Did the  
18 recommendations that were provided to the U.S.  
19 nuclear Commission last week, or whenever it was --

20           MR. GLASS: In our appearance before  
21 the NRC commissioners?

22           JUDGE GLEASON: Yes, which we will be  
23 hearing about tomorrow, were those recommendations  
24 done in light of this material?

25           MR. GLASS: No. This material was not

1 taken into consideration at that time. We had not  
2 had an opportunity to fully review this material.

3 We shared the material contained in  
4 here with the counties and the state. We didn't  
5 even have to make the recommendations. It was  
6 very obvious, once we identified the missing  
7 pieces, they knew exactly what had to be done and  
8 theory responding in kind.

9 JUDGE GLEASON: What does that mean  
10 now? Are you saying this is material that would  
11 not even become part of the recommendations of the  
12 commission or what?

13 MR. GLASS: Not at this time. As you  
14 are aware, we have a series of questions dealing  
15 with material we have already submitted that has  
16 to be brought to the NRC commissioners and we will  
17 probably have to convey, once we have a final copy  
18 of this report, to the NRC commissioners, but not  
19 at this time.

20 JUDGE GLEASON: Which questions are  
21 you now talking about?

22 MR. GLASS: The NRC commissioners  
23 presented to us --

24 JUDGE GLEASON: You are talking about  
25 those particular questions presented by them?

1 MR. GLASS: Yes.

2 JUDGE PARIS: In what form was the  
3 testimony on this going to take that you were  
4 contemplating presenting before us?

5 MR. GLASS: My understanding is that  
6 we were going to be dealing with the exercise and  
7 the post exercise assessment. We were just  
8 sending this out as a board notification.

9 JUDGE PARIS: Well, in a motion to the  
10 board, the licensee's alluded to testimony  
11 regarding a FEMA verification process conducted  
12 independently of the exercise, which they said  
13 that you might attempt to introduce, and I  
14 wondered in what form such testimony could come in?  
15 Would it be this document or what?

16 MR. GLASS: If we were far enough  
17 along in the review and the final version had been  
18 completed, we probably would have tried to present  
19 this as testimony.

20 The problem is that we are working in  
21 a number of forums. We have had people from the  
22 region or from Washington either before Congressman  
23 Marchi's committee in of the last two weeks,  
24 Senator Simpson's committee, before the NRC  
25 commissioners themselves. We have received

1 questions from Senator Simpson asking for  
2 additional information from us that we have to  
3 respond to.

4 We are also trying to address the  
5 rather detailed and lengthy interrogatories  
6 provided by the licensees. Our people have quite  
7 an extensive program in front of them and have had  
8 behind them in the last two weeks.

9 Unfortunately this was the one item  
10 that was not able to be fully addressed.

11 JUDGE PARIS: So are you saying that  
12 because you have been so busy with all these  
13 things, this has fallen through the crack, so to  
14 speak?

15 MR. GLASS: I wouldn't say it has  
16 fallen through the cracks. This is something we  
17 are trying to address. This will be dealt with.  
18 No insult is intended to the board here, but as  
19 far as FEMA is concerned, this is a matter that is  
20 outside the normal scope of our obligations. We  
21 have a memorandum of understanding that we will  
22 cooperate with the NRC and testify in front of  
23 boards such as this, but our main obligation or  
24 goal is to complete the 350 process, which  
25 involves a systematic review of various documents.

1                   We have been, not only as I say, this  
2 particular board, but we have had to respond to  
3 various congressional committees, the NRC  
4 commissioners themselves, and therefore our time  
5 has been taken away from the normal processing  
6 functions.

7                   JUDGE PARIS: When do you anticipate  
8 your review will be completed on this?

9                   MR. GLASS: I spoke to the contractor  
10 when he can complete their review and our  
11 individuals to complete theirs, and they told me  
12 approximately four weeks.

13                   The way we look at the thing, the  
14 document itself is not the important item. The  
15 important item is the responses that are being  
16 taken by the state.

17                   Before I left of the office today, we  
18 received an informal transmission from New York  
19 State, or representatives of New York State,  
20 containing additional plan revisions. I can  
21 assume safely that our board members or panel  
22 would not be ready to review those materials and  
23 comment on them by tomorrow morning.

24                   But what we are hoping is that a lot  
25 of these items we have addressed have have been

1 corrected in those new revisions and maybe this  
2 particular document will become moot.

3 JUDGE PARIS: If you had introduced  
4 this would you have been prepared to present  
5 witnesses to indicate the extent to which the  
6 problems addressed in here had been addressed by  
7 the counties?

8 MR. GLASS: We had received various  
9 letters from New York State and from two of the  
10 three counties indicating what corrections they  
11 were taking, what they were proposing and what  
12 they were looking into. , and we had actually, to  
13 facilitate the review by our staff, I had  
14 instructed the representative from Argon National  
15 Laboratories to compile that on to one set of  
16 sheets, a table. It ended up being a six-page  
17 table that indicated what was being proposed.

18 In my discussions also with the  
19 attorney for New York State indicated even if we  
20 did not do it, he would have introduced that  
21 material probably at that time.

22 We would have no problem again, as a  
23 board notification, providing copies of those  
24 letters or copies of that table, either or both,  
25 if that's what the board wishes.

1 JUDGE PARIS: Do you have them now?

2 MR. GLASS: I could have them in  
3 tomorrow morning.

4 JUDGE GLEASON: Mr. Hassell, would you  
5 mind submitting to the board the questions that  
6 the commissioners asked FEMA to produce answers to.

7 MR. HASSEL: I don't mind doing that.  
8 When did you want the questions?

9 JUDGE GLEASON: Not right now. Just  
10 for the record, that's all.

11 MS. POTTERFIELD: I don't want to  
12 interrupt your deliberative process, we have  
13 something that we need to get on the record.

14 JUDGE GLEASON: You are so kind with  
15 those words, I would like to relish them a little  
16 bit. Don't pass by them so quickly.

17 Go ahead.

18 MS. POTTERFIELD: I wanted to say that  
19 we had communicated very informally with Mr. Glass,  
20 and I am not even sure our request was clearly  
21 communicated, that we be provided with the  
22 questions we understand were handed to the FEMA  
23 representative by the commission so we can be  
24 aware of them.

25 JUDGE GLEASON: Mr. Hassell will

1 provide it.

2 MR. HASSEL: At this point I will  
3 provide them to the board. There may be a  
4 separate question about these commission  
5 questions -- I don't know, but there may be  
6 certain claims that counsel's office may make  
7 with respect to those questions and the  
8 responses received.

9 I just want to be clear at this point  
10 I will provide the board the questions, hopefully  
11 by tomorrow, and I would like to attempt to  
12 resolve the question --

13 JUDGE GLEASON: If you can provide it  
14 by tomorrow then we can resolve it.

15 MS. POTTERFIELD: Also, Judge Gleason,  
16 I wanted to point out that the intervenors, by  
17 stipulation as part of our motions for discovery  
18 about the March 9 drill, by stipulation we were  
19 given what I understand to be the raw data from  
20 Argon National Laboratories that led to this  
21 report.

22 That was part of the discovery and  
23 stipulation that we were able to work out with  
24 FEMA and staff -- I can't remember the licensee --  
25 who were parties to it.

1                   From our review of the raw data, and  
2 we haven't had a chance to look at the report,  
3 there are matters in the post exercise assessment  
4 that seem to be derived directly from the  
5 questionnaires themselves. That is to say, as I  
6 understand it, this material was produced as a  
7 result of Argon National Laboratories' employees  
8 calling facilities and completing questionnaires,  
9 calling the bus companies, and so on.

10                   JUDGE GLEASON: They just served that.

11                   MS. POTTERFIELD: We have the  
12 questionnaires that FEMA has provided to us.

13                   JUDGE GLEASON: The questions are in  
14 that verification?

15                   MS. POTTERFIELD: I think they are,  
16 but we did have some cross-examination of FEMA  
17 planned on the basis of those questionnaires.  
18 From my reading of the post exercise assessment it  
19 is fair cross-examination. It derives from  
20 statements in the post exercise assessment that  
21 appear to us to be based on the questionnaires.

22                   JUDGE GLEASON: That will take place  
23 tomorrow.

24                   MS. POTTERFIELD: I just wanted you to  
25 be aware.

1 JUDGE GLEASON: I understand.

2 MR. GLASS: To clarify a particular  
3 point that Ms. Potterfield raised, some of the  
4 questions or the format of a question may be  
5 similar to things that were asked during during  
6 the post exercise assessment; in other words, if  
7 for some reason we asked how many vans do you have  
8 in your garage in this survey, that did not  
9 preclude our observer on the date of the exercise  
10 to ask that same question of the bus companies, as  
11 I say, on the day of the exercise.

12 But the results that would have been  
13 reported in the post exercise assessment would  
14 have been the results that would have been  
15 answered and provided the day of the exercise and  
16 would have nothing to do with this survey itself.

17 The tables, labeled 2 through 10, are  
18 a compilation of the data that was provided to to  
19 the intervenors and to the licensees.

20 JUDGE PARIS: One other question. If  
21 this had been finished in time for you to  
22 introduce it as evidence, this verification  
23 business, how would you have done it? Would you  
24 have brought an Argon panel before us or what?

25 MR. GLASS: No. Because the material

1 had been supervised, at least the extent of the  
2 survey that was to be undertaken, the questions  
3 that were to be asked had been supervised directly  
4 by one of our staff members who was on the panel  
5 that is before you, we felt he would have been  
6 prepared to answer questions dealing with the  
7 results.

8           The problem is that, again, he has  
9 not had a full opportunity to review all the  
10 material. He is starting to look at it actually  
11 at this moment, but he has not had a full  
12 opportunity to review this data, the actual  
13 results. But as far as the actual carrying out of  
14 the survey he was intimately involved in the  
15 instructions given to the contractor, the type of  
16 questions, and he did do some spot checking,  
17 auditing I should say, of the questions they were  
18 being asked and as the survey was progressing.

19           JUDGE SHON: And it is clearly your  
20 position that your post exercise assessment does  
21 not reflect the results of this survey, or what  
22 may parallel them in some ways coincidentally, is  
23 that right?

24           MR. GLASS: Right. This may verify  
25 our findings, but it is a separate document and a

1 separate effort. The material produced in the  
2 post exercise assessment, or presented in the post  
3 exercise assessment, I should say, is the result  
4 of the observations made on the day of the  
5 exercise.

6 JUDGE GLEASON: The board wants to  
7 take a very brief recess.

8 (There was a short recess.)

9 JUDGE GLEASON: That about concludes  
10 things. We will ask a few questions of your  
11 witness whom you say is going to be here and who  
12 was responsible for supervising some of this  
13 material.

14 We would like that report when it is  
15 finished, and we understand it is going to be  
16 finished in a month, we would like that sent to  
17 the service list. Whatever that shows at that  
18 time, why we will just have to wait and see.

19 MR. GLASS: Very good.

20 MR. HASSEL: As a consequence of this  
21 discussion --

22 JUDGE GLEASON: Are you talking about  
23 Mr. Sears?

24 Thank you, Mr. Sears, we appreciate  
25 you staying and watching the board deliberate.

1 MR. CZAJA: Maybe we could just put on  
2 the record what I understand the response to be to  
3 your inquiry this morning on our motion.

4 JUDGE GLEASON: Right. Have you had a  
5 chance to review the tour plan?

6 MS. POTTERFIELD: I did, Judge, and I  
7 apologize because I have misled Mr. Czaja  
8 completely about it. And I do apologize for it.

9 I had thought that after talking with  
10 the other representatives of the intervenors that  
11 it had been agreed, but on second look it appears  
12 that the figures that are included in Exhibit CE  
13 21, which is being proposed to be offered in  
14 evidence, are figures that are derived from the  
15 Parsons Brinkerhoff computer data and have been  
16 compiled, as I understand it, by the licensee's  
17 lawyers, and the average daily figures come from  
18 other documents put out by the state.

19 JUDGE GLEASON: That's right. I was  
20 going to make that comment before it went in. I  
21 understand the low and the high are in the record  
22 already and come out of the testimony.

23 MR. CZAJA: No.

24 JUDGE GLEASON: Then I was misinformed  
25 on the bus.

1 MR. CZAJA: They were compiled by  
2 Parsons Brinkerhoff, certainly not by the lawyers.  
3 The figures do not appear in the record.

4 MS. POTTERFIELD: Our problem is that  
5 we apparently received in discovery the computer  
6 data on which the figures have are based.

7 MR. CZAJA: The intervenors did get a  
8 look at the data in discovery. It is not part of  
9 the record in the case.

10 MS. POTTERFIELD: What we haven't done  
11 is to check those figures and to try and determine  
12 what they are based upon.

13 JUDGE GLEASON: You will be doing that  
14 then.

15 MS. POTTERFIELD: We will make every  
16 effort to do it.

17 JUDGE GLEASON: The other thing I  
18 wanted to make mention of is the figures in the  
19 third column, I was informed on the bus, were, as  
20 the asterisk indicates, from state and county  
21 sources, but it is my recollection that those  
22 figures were as of 1970.

23 Is that correct?

24 MR. CZAJA: I don't know one way or  
25 the other. I can get that.

1 JUDGE GLEASON: That would clarify  
2 what period we are talking about.

3 MR. CZAJA: Let me say this, if it is  
4 the board's or intervenor's inclination, I would  
5 have Mr. Della Rocca up here tomorrow. I would  
6 just as soon know now rather than next week.

7 JUDGE GLEASON: It might be helpful to  
8 do it. I think we would like to get it in the  
9 record, and I commend you for producing it, but it  
10 has to be accurate when it goes in.

11 MS. FLEISHER: Some parts of this are  
12 in the record in the plans, some of these figures.

13 JUDGE GLEASON: As long as you have a  
14 chance to verify it before Friday.

15 MR. GLASS: May I make one inquiry?

16 JUDGE GLEASON: Yes.

17 MR. GLASS: I realized in the last  
18 order I saw there was no definite limitation as to  
19 the cross-examination of the FEMA witnesses.

20 JUDGE GLEASON: That's correct. There  
21 has not been and I don't think it is advisable  
22 because the FEMA witnesses are very crucial, and I  
23 just don't think if we did not go at a pace which  
24 would allow us to continue going two days, I would  
25 even suggest we go into a night session tomorrow

1 night to conclude.

2 We will see you all at 9 o'clock  
3 tomorrow morning.

4 MR. BRANDENBURG: Ms. Fleisher has  
5 agreed to indicate with Mr. Thorsen as to when Mr.  
6 McGuire might appear. He was supposed to be a  
7 witness this afternoon.

8 JUDGE GLEASON: I thought he was not  
9 coming.

10 MR. BRANDENBURG: Mrs. Fleisher's  
11 information was that Mr. Thorsen had a conflict.

12 JUDGE GLEASON: She didn't indicate he  
13 said he would be here later.

14 MS. FLEISHER: He certainly said he  
15 wouldn't be here today. He didn't tell me  
16 anything. He just said he couldn't make it today.

17 JUDGE GLEASON: Why don't you discuss  
18 it with her privately. If you would like Mr.  
19 McGuire here, I am sure they will try to get him.

20 We will stand in recess until  
21 tomorrow at 9 o'clock.

22 (Hearing recessed at 2:35 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: Wednesday, April 27, 1983

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

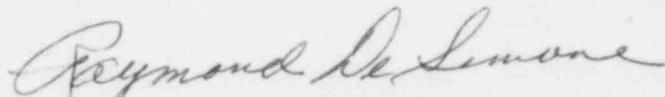
12 Place of Proceeding: White Plains, New York

13 were held as herein appears, and that this is the

14 original transcript thereof for the file of the

15 Commission.

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Raymond DeSimone

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Official Reporter

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