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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission:
Nunzio J. Palladino, Chairman
Victor Gilinsky
John F. Ahearne
Thomas M. Roberts
James K. Asselstine



In the Matter of
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
(Indian Point, Unit 2)
POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit 3)

Docket Nos.
50-247
50-286

June 22, 1983

NYPIRG MOTION FOR IMMEDIATE RECONSIDERATION
COMMISSION ORDER OF JUNE 10, 1983 (CLI-83-16)

Based on the following considerations, the New York Public Interest Research Group, Inc. (NYPIRG) urgently requests the Commission to reconsider its June 10, 1983 order (CLI-83-16) permitting continued operation of the Indian Point nuclear power plants:

1. In the absence of either sufficient time to review the specific findings contained in the FEMA/RAC review of June 8, 1983 (received one day prior to the Commission vote), or a briefing by FEMA representatives regarding these findings, the Commission could not have based its decision on a detailed understanding of the current status of emergency planning and preparedness at

The New York Public Interest Research Group, Inc., (NYPIRG) is a not-for-profit, nonpartisan research and advocacy organization established, directed and supported by New York State college and university students. NYPIRG's staff of lawyers, researchers, scientists and organizers works with students and other citizens, developing citizenship skills and shaping public policy. Consumer protection, energy, fiscal responsibility, political reform and social justice are NYPIRG's principal areas of concern.

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Indian Point. Indeed, the wording of the order itself and the additional views of Chairman Palladino and Commissioners Roberts and Ahearne make it clear that the majority based its June 9th decision not on the detailed item-by-item ratings and comments contained in the FEMA/RAC review, but rather on the subjective, inconclusive, and conditional statements of the FEMA cover letters. It is noteworthy that these statements were interpreted in totally opposite ways by the Commission majority and the Commission minority. NYPIRG finds it incredible that a decision in which one Commissioner's vote determined the outcome of a matter affecting the health and safety of over a quarter of a million people, could have been made without a careful analysis of the FEMA/RAC findings.

2. What the FEMA/RAC review of the interim State compensating measures for Rockland County reveals, is that the State plan is seriously inadequate in many of the planning areas most crucial to successful emergency response capability.

For example, Planning Standard (O), Radiological Emergency Response Training, was rated inadequate by the RAC on all elements for the simple reason that the State failed to include provisions for training of emergency response personnel in its compensating plan for Rockland County. No plan can possibly be deemed implementable until training procedures have been fully developed and all necessary personnel have been trained.

Planning Standard (J), Protective Response, gets to the heart of whether or not a capability exists to evacuate or relocate the public in the event of a serious radiation release. An analysis of elements in this area rated unacceptable by the RAC shows that: (1) Evacuation routes have not been fully developed nor evacuation route maps yet been made available. (2) Inconsistencies exist in the plan with respect to the numbers of buses and drivers required to evacuate the transit-dependent population--i.e., the State plan

does not provide for enough drivers, enough vehicles, or enough evacuation routes or pick-up points. "The total number of bus routes and pickup points identified is apparently fewer than in the original plan. Similarly, it is not clear that sufficient ambulance transportation is available for the population identified as mobility-impaired requiring special transportation."

(FEMA/RAC review, page 11) The Commission should note that element J.10.g, "Means of Relocation," is not only rated inadequate at this time by the RAC, but is likely to remain so until a new transportation study is concluded and tested for Rockland County.

Planning Standard (N), Exercises and Drills, is rated inadequate across the board--i.e., the plan lacks written provisions for testing the State's capability to implement its compensating plan for Rockland County. Not only is a full-scale exercise required, but provisions must be developed for periodic drills of a variety of emergency response components. The bottom line is that until the State has fulfilled the requirements of this planning standard, and it has been re-evaluated by FEMA/RAC, the State's compensating plan for Rockland County cannot be considered implementable.

NYPIRG cannot understand why the FEMA/RAC review did not rate Planning Standard (G), Public Education and Information, inadequate, particularly in light of its comments that "...the public information brochure has not been developed and distributed" and "...the final development of this material must await finalization of the plan /and/ has not been included and cannot be evaluated at this time." Although some sort of "alternate" public education and information program is apparently contemplated, this has not yet been revealed or evaluated. If the State manages to fulfill its 30-day commitment regarding this planning element (on paper), NYPIRG doubts that an "alternate" public information program can be effectively implemented in a timely fashion.

Nor can we imagine how it can ever be considered an adequate compensating substitute for a program which is based on a final plan and which meets the criteria of NUREG-0654 (i.e., annual distribution of brochures, etc.).

Finally, NYPIRG believes that there are a number of errors and inconsistencies in some of the FEMA/RAC ratings which might have become apparent had the Commission availed themselves of the opportunity to be briefed by and ask questions of FEMA. But, even without such a briefing, had the Commission majority based its decision on the ratings and comments contained in the FEMA/RAC review (instead of on the ambiguous and qualified statements in FEMA's cover letters), it could not have concluded that deficiencies in preparedness have been corrected or that the compensating measures proposed for Rockland County are adequate at this time to assure the protection of the public in the event of an accident at Indian Point.

(Attached is our letter to the Commission of June 3, 1983, which contains additional NYPIRG comments regarding the current state of emergency preparedness at Indian Point.)

3. The issue before the Commission on May 5, 1983, was FEMA's conclusion that emergency preparedness at Indian Point is inadequate to assure the protection of the public in the event of an accident. A decision on that matter was postponed until June 9th. In its June 8th report and cover letters, FEMA did not alter its conclusion regarding inadequate preparedness. Furthermore, FEMA's statements about the adequacy of interim compensating planning efforts were explicitly conditional and subject to further evaluation based upon anticipated plan revisions, tests, and exercises. Yet, on June 9th, the Commission majority side-stepped the issues of implementation and preparedness entirely. Instead, the majority based its decision on progress in the planning effort, thus setting the enforcement clock back to December, 1982.

4. In reaching its decision, the Commission majority relied heavily upon expectations that a full-scale exercise would be conducted in Rockland County in approximately 60 days and that the required corrections to the State's compensating plan would be complete within 30 days. The history of emergency planning at Indian Point, however, has been one of missed deadlines and repeated delays. NYPIRG was, therefore, not surprised to learn, less than one week after the Commission's decision, that there are already indications that a full-scale exercise will not be possible before 75 or 90 days. We also anticipate slippage regarding the 30-day commitment for State plan corrections and their implementation. (See attached Reporter Dispatch article, June 15, 1983, "DelBello: Evacuation plan test unlikely in 60 days")

5. On June 18th, Con Edison employees went on strike. Although the licensees and presumably the NRC Staff were well aware that this strike was threatened, the Commission was either not informed of this development or chose to ignore it. So far as we can tell, the Commission did not even consider the significance of the Con Ed strike for emergency preparedness at Indian Point in arriving at its June 9th decision. If the strike had begun on the 8th of June, the Commission could not possibly have concluded, the next day, that the compensating off-site emergency measures--which now depend to a large extent on the participation of hundreds of utility employees--are adequate to permit continued operation of Indian Point.

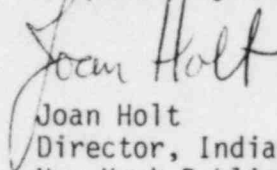
For the duration of the current strike, Con Ed employees will not be available for off-site emergency response training, participation in drills and exercises, or response during an actual emergency. Should an accident occur during the strike, or before Con Ed employees have been trained and tested in their substitute emergency roles, it stretches credibility to believe that management personnel could drive evacuation buses, staff reception centers, man

traffic control points, and perform all the other off-site emergency response tasks now assigned to utility employees--while, at the same time controlling the accident and bringing substitute generating facilities on line to guarantee that there is no loss of off-site power. The Commission cannot responsibly deem emergency procedures to be adequate which at this time depend on personnel who are substitutes for substitutes. (See attached Reporter Dispatch article on the strike)

In light of the above considerations, NYPIRG believes it incumbent upon the Commission to immediately reverse its order of June 10th by ordering the suspension of operation at Indian Point II and III until such time as FEMA is able to conclude that both planning and preparedness is adequate to assure the protection of the public in the event of an accident.

The Commission's June 10th order stated that "improvements have narrowly tipped the balance in favor of continued operation." Existing deficiencies in the State's compensating plan for Rockland, the likelihood that a full-scale exercise will not be conducted within 60 days of the June 10th order, and the current strike of Con Edison employees dictate a decision for immediate shutdown the need for which should be obvious and clear-cut--neither "difficult" nor "razor-thin."

Respectfully submitted,



Joan Holt
 Director, Indian Point Project
 New York Public Interest Research Group

June 22, 1983



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June 3, 1983

Commissioners:

- Nunzio J. Palladino, Chairman
- John F. Ahearne
- Victor Gilinsky
- James K. Asselstine
- Thomas Roberts

U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Gentlemen:

I hope that you will have a moment between now and June 9th to consider NYPIRG's views about the current state of emergency preparedness at Indian Point in light of (1) the newly submitted New York State "Interim Plan for Implementing Compensating Measures for Rockland County," (2) the Westchester bus company and bus driver situation, (3) other deficiencies in planning and preparedness not identified as "significant" by FEMA which in our view represent serious obstacles to assuring preparedness, and (4) "other factors."

I will try to be brief because I realize that you already have a great deal of material before you and very little time remaining in which to read more.

I. New York State's "Interim Plan"

- A. It represents a new set of planning concepts quite different in many key respects from either the plan prepared by the Licensees for Rockland or the "Draft Plan" under development by the County. It thus requires extensive review and evaluation by FEMA simply as a plan. We have already identified numerous conceptual problems and inaccuracies in the plan--more than we can list here.
- B. It has neither been implemented nor will it be implementable in the near future. It is simply another plan, which will require FEMA review, major correction, implementation, verification, and some time down the road, exercising.

- ** Large numbers of newly designated individuals and agencies will have to receive specialized training.
- ** Equipment identified in the plan will have to be procured and distributed.
- ** Accuracy will have to be checked re: designated evacuation and bus routes; listed schools and institutions; identified reception,

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congregate care, and decontamination center locations; availability of emergency vehicles (buses, ambulances, etc.) (Already, local residents of Rockland have discovered inaccuracies.)

** New brochures, conforming to this new plan, will have to be written and distributed. The old brochures, distributed in February 1982, do not conform and thus constitute mis-information.

** Posters and signs for roads, parks, and other public places are not up; phone books do not have the required emergency information.

** Large numbers of emergency personnel, listed simply by number of people from various organizations, including the utilities, will have to be assigned and identified by name, address, and phone number.

- C. There has been no exercise of any element of the interim-compensating State Plan for Rockland. The proposed Command and Control structure is so complex and multi-layered, with so many alternative chains of command and control, as to constitute a major flaw in itself. Indeed, this complex structure proposed by the State may be virtually untestable.

A pre-scheduled drill of a Command and Control system that relies on local officials whose routine jobs and expertise conform with their emergency roles under the plan is one thing; a pre-scheduled exercise of a Command and Control system that depends on personnel not normally assigned similar functions in the County is quite another matter. Furthermore, since the entire compensating Command and Control system depends on the momentary availability of a long list of possible alternates for each major responsibility, only a surprise drill could test its feasibility and workability. The proposed State compensating plan is nothing short of a blue-print for confusion and chaos of Command and Control.

Finally, the plan relies largely on personnel who have key responsibilities in State institutions in Rockland County, and who--though they are not free, as State employees, to refuse the roles assigned to them by the State--cannot and should not be required to abandon their usual posts. As administrators and safety personnel of large institutions, they would be required, during an emergency, to tend to their own patient populations--their absence would jeopardize the safety of their primary charges. Borrowing from Peter to pay Paul in this situation is grossly irresponsible.

- D. The use of the National Guard has already been determined to be unrealistic based on their own time-of-arrival estimates (of 4 or more hours).
- E. The use of utility employees from outside the County to perform emergency roles requiring specialized training and a familiarity with the County is unacceptable from every standpoint. The public would have no more confidence in utility personnel driving local buses and ambulances, manning traffic control points, and staffing reception or other emergency centers than would the utilities have confidence in turning the operation of their reactors over to Rockland firefighters, bus and ambulance drivers, policemen and social workers.

Furthermore, NYPIRG cannot accept the precedent of letting our electric utility companies take over any aspect of our local governmental function. This is, after all, a Democracy in which we elect those officials to whom we chose to entrust our safety!

- F. The proposed school dismissal procedures are gravely inadequate and will not be accepted by parents. The State has ignored the public outcry about the "early dismissal" concept and has proposed emergency measures for school children which could leave them in great danger.

A nuclear emergency is not the same as a snow-day dismissal or sending a child home with a toothache. Children should not be sent home on foot or dropped off at unattended road intersections; they must be taken directly to a waiting adult. Parents must be provided the opportunity to designate a surrogate adult (name, address, and phone) who is able and willing to accept the responsibility of sheltering or evacuating the child in a nuclear emergency. The teenage baby sitter or grandmotherly neighbor who can care for a child sent home with a sore throat, during a snow storm, or after school may not have a car or be an appropriate person to handle an evacuation. And the one non-working mother on the block may not be able to cope with the dozen or more children for whom she is listed on the school's emergency cards. A nuclear emergency is different, and we are tired of being told otherwise!

- G. The State's compensating plan--even if it were not gravely flawed as a plan--does not constitute preparedness unless and until it has been implemented and fully exercised. We are back in December, when FEMA informed you that they could not assess preparedness until after an exercise. FEMA's conclusion of April 15, that preparedness is currently inadequate to assure the protection of the public in the event of an accident still stands. The situation in Rockland County has not been altered by the State's unrealistic compensatory plan.

The bottom line is that were an accident to occur tomorrow, there is no implemented plan and no preparedness in Rockland County.

I would remind the Commission that its emergency planning rule does not contemplate ad hoc measures for the 10-mile EPZ.

II. The Westchester Bus Company/Bus Drivers Situation

- A. We do not know whether written agreements have been signed with bus companies or bus driver unions. They were not as of May 26th.
- B. The much-touted "training" sessions for bus drivers have been nothing of the kind. They have, rather, been "introductory orientation" sessions conducted by the utilities and designed to elicit lists of volunteer drivers who will later receive their training.

Independent observers of the orientation sessions report that the information provided to the drivers deals primarily with background and other sources of radiation, including routine emissions from nuclear plants--with booklets and films provided by the nuclear industry. Reassurance is the name of the game.

The drivers are given no information about possible levels of radiation during accident conditions. Instead, they are told that they will not be asked to drive except in very slow-moving accident situations in which there will be many hours lead-time and no exposure.

The drivers are not being informed about what is in the plans: provisions to decontaminate exposed emergency workers and the public (and buses and other vehicles); recommendations that women of childbearing years and individuals under 45 years of age should not be used, if possible; and that under certain scenarios emergency workers may have to be permitted to receive radiation doses surpassing PAGs.)

NYPIRG believes that volunteers elicited through these less-than-forthright orientation sessions cannot be counted on unless, perhaps, it can be guaranteed that they will be insulated from any additional information prior to the moment they may be called on to drive.

Finally, the drivers have not yet been trained; nor have their assignments been rehearsed. Thus, preparedness for an accident still does not exist.

III. Other Deficiencies

A careful reading of FEMA's Post-Exercise Assessment, the Argonne verification report (not done for Rockland, of course), and submissions to the Commission from ASLB parties must convince the Commission that many, many elements necessary for adequate preparedness are not yet in place (just watch for the words like "should," "must," "will be," etc.)

An accident any time in the near future (at least prior to the end of 1983) will still require ad hoc measures utilizing untrained personnel lacking necessary equipment. Furthermore, the public is neither educated nor adequately informed in either Westchester or Rockland--which contain 90% of the EPZ population.

IV. "Other Factors"

NYPIRG insists that there are no "other factors" relevant to the Commission's June 9th decision beyond the fact that you cannot assure that the public can and will be protected in the event of an accident at Indian Point. Only the number of words on paper has changed since April 15th or May 5th. The only issue before the Commission, then, is whether its emergency planning regulation is going to be upheld and enforced. And if it is not at Indian Point--the nation's most densely populated plant site--noncompliance elsewhere will become the order of the day and public trust in the Commission will reach an all-time low.

Respectfully,

Joan Holt
 Joan Holt
 Director, Indian Point Project
 NYPIRG

DelBello: Evacuation plan test unlikely in 60 days

By Mike Barlow
Staff Writer

A proposed state radiological emergency plan for Rockland County isn't likely to be ready for testing within the next 60 days, Lt. Gov. Alfred DelBello said Tuesday.

However, DelBello said he hoped that an exercise to test the practicality of the plan could be scheduled within two to three months.

In a session characterized by candid talk and a spirit of cooperation, DelBello

met Tuesday night with members of the committee responsible for developing Rockland's own plan for coping with an emergency at the Indian Point nuclear power plants.

But the peaceful atmosphere of the meeting, at the County Office Building in New City, was momentarily broken when county Legislator Sam Gdanski reiterated his threat to launch a court battle against the state's presence in Rockland.

Gdanski, D-Ramapo, said the state's decision to implement its own plan in Rockland had "usurped the role of the local municipality."

DelBello, who was ordered last week by Gov. Mario Cuomo to complete and administer a state emergency plan for Rockland, repeatedly stressed that he had no intention of undermining local control over disaster planning.

The former Westchester county executive said his role would be "parallel or supplemental" to Rockland's own efforts to develop an emergency plan.

"It's going to be a horrendous effort," he said.

County officials and members of the committee wished DelBello luck but expressed doubt that he would be any more successful than the committee in devising a practical plan for evacuating more than a quarter of a million Rockland residents in the event of a full-scale nuclear disaster at the Buchanan reactors.

"You are embarking on an impossible course," said Legislature Chairman Herbert Reisman.

After the meeting, arranged in the wake of last Thursday's decision by the Nuclear Regulatory Commission to let Indian Point remain open despite flaws in emergency planning on both sides of the Hudson River, DelBello said he was "impressed" by the depth and sincerity of the committee's efforts.

He offered assurances that the state plan would not be a "charade." Ideally, he explained, the state plan would be a foundation upon which Rockland could, if it chose, "build" its own plan.

The state plan would be carried out by about 50 state workers and some 500 employees of Consolidated Edison and the New York Power Authority — the

two utilities that operate the Indian Point reactors. All the employees chosen for the plan would live in or near Rockland.

Rockland, which withdrew last year from a regional disaster plan drawn by consultants for the utilities, has no formal plan of its own. The committee formed by the Rockland Legislature to develop such a plan does not expect to complete its work until early 1984.

DelBello confirmed that neither state nor federal officials expect the state's "compensating plan" — essentially identical to a draft plan developed last year by county officials — to be tested for at least another 60 days.

"It's up to FEMA (the Federal Emergency Management Agency) to set the date for an exercise," DelBello said.

Reisman said he doubted the lawmakers would back Gdanski's plan to sue the state.

"The worst thing Rockland could do now is go to war with New York state," the chairman said.

Reisman said a series of recent talks with state officials had convinced him that the state was making a sincere effort to provide financing for emergency equipment, communication gear and specially equipped vehicles needed to carry out a disaster plan.

He said the county would continue to work on its own plan while DelBello works on the state plan.

During the meeting, Rockland Sheriff's Patrol Chief James Kralik, who also serves on the committee, told DelBello the county could develop a workable plan if given enough time.

"I don't know how we got into this mess," Kralik lamented.

Relations appear cordial among pickets, supervisors

By Edward Frost
Staff Writer

The picket lines were up at many Consolidated Edison plants in Westchester Saturday afternoon, but relations between striking workers and the supervisors replacing them seemed cordial.

"We're all very amicable here," said Sophie Vinokur, a stenographer who was carrying a picket sign outside Con Edison's 210 Westchester Ave. office in White Plains, where she works.

"We're all friends, all the same family. It's a warm group here," she said.

Rubin Burns, a maintenance worker standing nearby, agreed.

Unlike the last strike against Con Edison — a 13-day walkout in December 1968 that was punctuated with incidents of shooting and arson — there were no reports in Westchester Saturday of violence or vandalism.

Across the county, several strikers worried about whether keeping Con Edison's Indian Point nuclear reactor open was safe, since most of the 700 employees who volunteered for the utility's evacuation program are on strike.

"The strike includes the bus drivers who evacuate people from Indian Point," said a 14-year veteran outside the Rye Service Center.

"With no evacuation plan, I believe the plant should close," said a worker from Peekskill on a picket line in Buchanan near the reactor. He said he would welcome anti-nuclear demonstrators who wanted to march with the strikers because of the danger of not having an evacuation plan under way.

"Without the proper people in there, it's just not safe," another Peekskill striker said.

But the primary consideration for the strikers, who walked off their jobs at 12:01 a.m. Saturday, is getting a better contract.

"We want to maintain what we've gotten and get a fair raise for the economy and a benefits package," said a shop steward at the Buchanan strike headquarters.

"Cost of living, that's all we're asking for," said a Peekskill man who works at Indian Point. "They (Con Edison) want to take away our security.

If a man gets hurt on the job, Con Ed wants to lessen his pay when he comes back to work or even hire someone else."

Two workers at the Rye plant complained that their health benefits didn't cover their medical expenses.

"You send in a lab bill for \$29 and you get \$8 back. That's not the best medical coverage," he said. "The only thing they treat you good for here is cancer, and who wants cancer?"

"The company made tremendous profits last year," said his partner, who has worked for Con Edison 14 years. "If they had lost money, we wouldn't be out here. You make no money from them. You live week-to-week on each check."

Neither man would give his name, fearing reprisals from management after the strike.

While they were picketing at about 4:30 p.m., two supervisors drove a "cherry picker" truck into the plant, and the four had a polite conversation. The two employees asked how things were going, and one foreman said it was quiet.

Both Rye workers wondered what would happen if an emergency hit, and one speculated that management might make arrangements to get the strikers back on the job.

"Those guys inside are not spring chickens any more," said the 27-year man, referring to the foremen. "If there were a massive thunderstorm, we'd go back to work, no doubt about it. People want their power.

"There's not enough of them to go around if there's a major storm," he added.

At the Buchanan generating station and Indian Point 2, the supervisors were locked in to maintain safety, a shop steward at union headquarters in Buchanan said.

The supervisors were told to pack enough clothes for two weeks, and are working 12-hour shifts.

It won't be anything like a vacation trip. "There's no showers here," noted one supervisor entering the Pleasantville substation on Manville Road.

Staff writers contributing to this story were Greg Burke, Ruth Giachino and Nancy McCann.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of)	
)	
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.)	Docket Nos.
(Indian Point, Unit No. 2))	50-247 SP
)	50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK)	
(Indian Point, Unit No. 3))	9th May, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of the NYPIRG MOTION FOR IMMEDIATE RECONSIDERATION COMMISSION ORDER OF JUNE 10, 1983 (CLI-83-16), has been mailed first class, postage-paid or hand delivered as indicated to the following this 22 day of June, 1983.

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Washington, D.C. 20555

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