

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commissioners:

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John F. Ahearne
James K. Asselstine
Victor Gilinsky
Thomas M. Roberts



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

Docket Nos. 50-247
50-286

May 21, 1983

SUBMISSION BY THE NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.
TO THE UNITED STATES NUCLEAR REGULATORY COMMISSION
WITH RESPECT TO THE NRC ORDER OF MAY 5, 1983

The Commission has stated its intention to shut down the Indian Point reactors by June 9, 1983, if problems associated with the off-site emergency preparedness are not adequately resolved by that date.

The New York Public Interest Research Group, Inc. ("NYPIRG"), in this submission, seeks to apprise the Commission of the actual state of emergency preparedness surrounding the plant as is evidenced by the Federal Emergency Management Agency ("FEMA"), Argonne National Laboratory ("Argonne"), and other governmental reports and testimony.

It is NYPIRG's position that, pursuant to the Nuclear Regulatory Commission's ("NRC") emergency preparedness rules, 10 CFR 50.54(s)(2), what is of fundamental relevance at this point in time is not who or what is at fault, but, rather, is there assurance that, in the event of a possible accident, adequate responses can

and will be taken. Any other focus appears to be a tacit repeal of those rules described by the NRC upon adoption with the following language:

In order to discharge effectively its statutory responsibilities, the Commission must know that proper means and procedures will be in place to assess the course of an accident and its potential severity, that NRC and other appropriate authorities and the public will be notified promptly, and that adequate protective actions in response to actual or anticipated conditions can and will be taken. (emphasis added)

We believe that a careful analysis of the materials prepared by FEMA, Argonne National Laboratories, and the testimony of FEMA and other governmental entities at the Atomic Safety and Licensing Board (ASLB) hearings on Indian Point indicates that only one conclusion can be drawn: there could not and would not be adequate response to various types of possible fast-breaking accidents.

Further, the signing of bus contracts in Westchester County and the change on paper of compensating plans for Rockland County do not alter this condition. Rather, there is substantial work to be done in a number of areas, which is likely to take, as FEMA has pointed out, at least until the end of 1983. In other words, the problems are not legalistic, but real. The result, in sum, is a state of non-preparedness which can only be corrected by changes in the real world -- not on paper -- surrounding the plants.

I. Training

There is substantial evidence from a number of reputable governmental sources, including FEMA, Argonne, and the NRC itself, that training is far from complete for the people who have roles in an emergency. While FEMA can note progress, the conclusion is evident that if an accident were to happen tomorrow, or any time soon, many of the personnel would simply not know what to do, or how to properly do it. It is impossible to assure that adequate responses will be made when there is abundant evidence of serious shortfalls in training.

A. Bus Companies - Both Argonne, in its April 1983 Verification Analysis, and FEMA, in its April 14, 1983 Post-Exercise Assessment, identified major shortfalls in the training of bus drivers.

During February 1983, Argonne surveyed 9 of the 15 bus companies with responsibilities under the plan in Orange, Putnam, and Westchester Counties. Of those 9, only one company had any drivers at all who had been trained in emergency response preparedness. This company, in Westchester, had only one driver who had been trained, and no other training was scheduled. Two other companies, one in Orange County and the other in Putnam County, were scheduled for training.

FEMA found that, in Putnam and Westchester Counties, bus drivers had not been adequately trained in evacuation procedures, the routes they should follow to pick up evacuees, and the locations of reception centers. In Orange County, FEMA observed a bus company that had just been trained, and, based on that, concluded there was adequate training. However, there are two other bus companies in Orange County that are to participate in any real evacuation according to the plan. Argonne found that, as of February 1983, neither of those two companies had been trained nor were even scheduled to be trained. Thus, the FEMA conclusion with regard to Orange County seems to be in conflict with Argonne's findings.

Without regard to the Rockland County issue, or the willingness of Westchester bus drivers to participate, it is apparent that at the present time there is insufficient training of bus personnel in at least Putnam and Westchester Counties, as well as Orange County, to be able to conclude that the bus component of evacuation could be successfully completed.

B. Public Schools - In the same February 1983 survey, Argonne examined 9 of the 50 public schools in Orange, Putnam, and Westchester Counties that would need to be evacuated. Only 2 of the 9 had received training in evacuation procedures, both of them in Orange County. Only two other schools even had evacuation training scheduled.

The FEMA exercise was not designed to test the evacuation preparedness of the schools, so there is no information contradicting the Argonne finding of substantial lack of school personnel evacuation training. It is difficult to conclude that such evacuations could go smoothly -- which is essential in many accident scenarios -- without adequate training of school personnel expected to participate.

C. Non-Public Schools, Nursery Schools, and Day Care Centers - Argonne surveyed, in February 1983, 9 of 41 non-public schools, nursery schools, and day care centers in Orange, Putnam, and Westchester Counties that would need to be evacuated. Only 2 of the 9 had received any training in evacuation procedures, both in Orange County. None of the others had training sessions planned.

Because the FEMA exercise was not designed to test the evacuation preparedness of these facilities, there is no information contradicting the Argonne finding of a substantial lack of training for evacuation at these schools and day care centers. Again, it is difficult to conclude that an evacuation would go smoothly -- which is essential in many accident scenarios -- without adequate training of school personnel expected to participate.

D. School Districts - In February 1983, Argonne surveyed 8 of 13 school districts in Orange, Putnam, and Westchester Counties within the 10-mile plume exposure Emergency Planning Zone (EPZ). 2 of the 8 had received some training in evacuation procedures, one in Orange and one in Westchester. Only two others had training scheduled.

The FEMA exercise did not test the evacuation preparedness of the school districts. There is therefore no information contradicting the Argonne finding of a substantial lack of training for evacuation procedures for the school districts. It is difficult to conclude that an evacuation would go smoothly -- as is necessary in many accident scenarios -- without adequate training of school personnel expected to participate.

E. Special Facilities to be Evacuated - In the February 1983 survey, Argonne looked at 7 of 23 hospitals and nursing homes in Orange, Putnam, and Westchester

that would need to be evacuated. Only 3 had received any training in evacuation procedures, and only 4 knew where to take residents if an evacuation were ordered.

Again, FEMA did not test for emergency preparedness of the Special Facilities. There is no information contradicting the Argonne finding of widespread lack of training in evacuation procedures at these special facilities. Once more, it is difficult to conclude that an evacuation would go smoothly -- as is necessary in many accident scenarios -- without adequate training of hospital and nursing home personnel.

F. Hospitals Treating Radiologically-Contaminated Patients - In February 1983, Argonne surveyed all six of the hospitals listed in the plans for Orange, Putnam, and Westchester Counties as being capable of treating radiologically-contaminated patients. 2 of the 6 did not have staff trained for radiological emergencies, one in Putnam and the other in Westchester.

Given the critical role of hospitals in preventing health impacts of a radiological emergency by properly dealing with contaminated patients, this lack of training is highly troubling.

While the FEMA exercise included two medical drills, one in Westchester County and one in Rockland, the success of these very limited samples cannot overcome the Argonne finding that there is a lack of trained staff at at least two of the hospitals that are slated to receive contaminated patients during an emergency.

G. Ambulances - Both Argonne and FEMA noted problems in the training of the ambulance companies that would be necessary for an evacuation. FEMA concluded for Westchester County that "ambulance personnel did not know their responsibilities, and were not trained in evacuation procedures for a radiological emergency..." They also found that ambulance drivers were not "consistently trained in the use of dosimeters and KI." Argonne found that only 4 of 9 ambulance companies that it surveyed even knew that they were designated as having responsibilities in a radiological emergency, and that 2 of the 9 companies surveyed had not been trained for radiological emergencies.

H. Emergency Workers - FEMA identified lack of training as a problem in all

four counties with regard to a broad spectrum of emergency workers in radiological exposure control including the use of dosimeters and potassium iodide (KI). Without adequate training of emergency workers in these areas, both the workers themselves and the individuals they will be aiding will be in danger of receiving excessive levels of radiation. It is therefore impossible to conclude that adequate measures can and will be taken when the training in radiological exposure control has been found to be inadequate in all four counties surrounding the plant.

I. Reception Centers - FEMA found that in Westchester County, at least, "additional training is needed for the reception center personnel who do radiation surveying and decontamination."

J. Field Teams for Accident Assessment - FEMA found that field teams in at least two counties, Putnam and Westchester, needed additional training. In Putnam, FEMA concluded that "Field teams need additional training consistent with procedures outlined in the procedure manual." In Westchester, FEMA found that "There were large differences in the ability of the two field monitoring teams that were observed during the exercise. Additional training of personnel is required that field measurements are properly taken. (emphasis added)"

It is difficult to conclude that adequate measures can and will be taken when at least two of the counties have failed to demonstrate an adequate capability to make correct field measurements and thereby could not accurately assess the severity of the radiological impact.

K. Other Evidence of Lack of Adequate Training - The FEMA Post-Exercise Assessment and Argonne National Laboratory reports do not stand alone in demonstrating the very serious gaps in the training of numerous organizations and workers with responsibilities under the plan.

The ASLB hearings on Indian Point contain substantial amounts of testimony that training is still a major problem. John Sears, an NRC staff witness on emergency planning, labeled the manuals being used for training of off-site emergency personnel

as inaccurate and inadequate. Thus, even those trained have likely not received accurate and adequate training. The State's witness, Donald Davidoff, Director of the New York State Radiological Emergency Preparedness Group, admitted that not all personnel were trained yet, but was unable to give even an estimate of the percentage of emergency personnel that had been trained, or when that training would be completed.

The Town of Ossining's Chief Goldfarb and Town Supervisor Wishnie raised major questions about the efficacy of the emergency plans at the ASLB hearings. One of the items of greatest concern to them is their lack of training to date. Other witnesses testified at the hearings that they had responsibilities under the plan but to date had received no training.

II. Public Information

Without the public knowing what to do when there is an emergency, no plan could possibly succeed in preventing major harm in many accident scenarios. Whether the public's lack of knowledge is the result of laziness, preoccupation with other issues in their lives, or failure to carry out the dictates of the public and media element of the plan is not the central issue. The basic question is whether the public actually has the knowledge of what to do when the alarms go off, indicating an emergency.

FEMA has determined, by spot-checking on the day of the exercise, that while the sirens were generally heard, people in each county, with the exception of Putnam, knew neither what the sirens meant nor that they were to listen to EBS messages broadcast over WABC radio. FEMA's conclusions are buttressed by testimony in the ASLB hearings by Mr. Seasonwein and Mr. Altschuler that surveys they had conducted indicate the same basic problem.

The plans simply cannot work if people take valuable extra time beyond what is calculated in the emergency plans to discover that there is a problem and what to do. Delays in starting evacuation, as well as additional time to carry out evacuation once started, caused by increased traffic congestion, all will lead to increased radiation

exposure. Thus, timely response to the warning sirens is of critical importance to the efficacy of the whole plan. It is therefore impossible to conclude that adequate actions can and will be taken by the public when FEMA has found that, apparently, most members of the public do not know what to do when the sirens go off.

FEMA identified various problems in the public and media element of the plans. There were no posters explaining what to do in the Westchester County areas, such as parks, hotels, and motels, used by non-residents and transients in the 10-mile EPZ. Similarly, no such posters were evident in hotels and motels in Rockland County.

Westchester needs detailed educational campaigns for each Emergency Response Planning Area (ERPA), and detailed maps distributed, according to FEMA. FEMA also found that Westchester and Rockland need new brochures which detail what the sirens mean, what to do, where to go, and so on. There have been delays in printing and distribution of brochures in both these counties.

Further, according to the deposition of a FEMA official taken in conjunction with the ASLB hearing, the new brochures for Westchester and Rockland Counties apparently are not being changed with regard to what to do when the sirens go off. The brochures did not work before to effectively communicate this information, yet the same language on the sirens apparently will appear in the new brochures.

With the substantial evidence of lack of understanding on the part of the public as to what to do, the NRC cannot be assured that adequate response measures can and will be taken on the part of the public in the event of an accident at Indian Point.

III. Equipment

Both the Argonne and FEMA reports identify substantial equipment deficiencies. Even the best-trained school is not guaranteed of knowing, in a timely manner, that it should dismiss the students or evacuate them without a tone alert system. The best ambulance teams cannot do their jobs without monitoring devices and KI. Without fully equipped facilities and personnel, there can be no assurance that adequate response

measures can and will be taken in the event of an emergency.

A. Emergency Communications - Without full communications capability, there is little likelihood that a smooth operation could be carried out. This equipment includes dedicated phone lines, which will be available even if normal lines are overloaded, two-way radios for all vehicles to be used in the emergency operations, and tone-alert radios for facilities which must know before the general population that they are to start emergency procedures. Both Argonne and FEMA found substantial shortfalls in communication equipment.

FEMA found that the bus company in Rockland County responsible for emergency operations relies entirely on non-dedicated telephone lines to communicate with drivers and the EOC. FEMA determined that radios are needed to ensure communications during an emergency. FEMA also found that the Putnam buses were not equipped with radios and needed to be. FEMA also found that "An improved communications system is needed to support assessment activities and timely use of field data (emphasis added)" in Rockland and that "Communications systems between EOC's in Rockland County and Bergen County, New Jersey, need improvement (emphasis added)."

Argonne also found substantial numbers of facilities which must have guaranteed communications --through dedicated phone lines, tone-alert radios, or some other means -- do not have it. Argonne found that 3 of the 9 public schools to be evacuated surveyed in Orange, Putnam, and Westchester had no tone-alert radios. In addition, 2 of the 9 private schools, nursery schools, and day care centers to be evacuated that were surveyed in Orange, Putnam, and Westchester Counties had no tone-alert radios. Further, 5 of the 8 school districts (which are critical links in the chain of command to evacuate schools in their districts) surveyed had no tone-alert radios.

With this serious lack of communications equipment, it is difficult, if not impossible, to conclude that adequate protective actions can and will be taken in the event of an emergency.

B. Radiation Monitoring Equipment and Potassium Iodide (KI) - Without the equipment to monitor radiation, the emergency workers have no way of knowing if they are

putting themselves or the people they are helping at risk. FEMA found substantial shortfalls in equipment to monitor radiation received by emergency workers. Without the availability of KI, emergency workers risk thyroid problems which use of KI can prevent. FEMA found substantial shortfalls in the availability of KI for emergency workers. In Westchester, Putnam, and Rockland Counties, FEMA found that permanent record dosimeters -- film badges, TLD's -- were not available to many emergency workers. In addition, in Rockland, self-reading dosimeters were not available to many emergency workers. FEMA found that KI was not available in adequate supplies for bus and ambulance drivers in Westchester and Rockland. In Orange County, the Sheriff's personnel did not have KI.

C. Other Evidence of Equipment Deficiencies - The Argonne and FEMA findings are both supported by testimony given at the ASLB hearings as well as shown to be merely a small part of the equipment shortfall. Mr. Davidoff was able to report at the hearing the number of pieces of equipment delivered to date, but was unable to even estimate the percentage of equipment needed that was actually delivered and in place. Various Towns, as well as Rockland County, testified that they did not have adequate equipment in a number of areas.

Westchester County had indicated to the Commissioners in June 1982 that it needed an additional several million dollars worth of equipment before it would be ready. While much has certainly been done since that time, it is far from clear as to how far along is the fulfillment of the needs identified in June 1982. In addition, FEMA found in the March 1983 exercise that there seem to be flaws in the transportation plan for the mobility-impaired and the congregate care centers in Westchester County. Corrections of these flaws would likely involve additional equipment, such as vehicles, dosimeters, radios, and so on, for these additions to the plans. These planning flaws will be more fully discussed below.

IV. Problems in the Plans

Since the release of FEMA's Post-Exercise Assessment on April 15, 1983, many media

have reported that the problems identified by FEMA really boil down to a relatively simple problem: having the State's compensatory plan for Rockland County state that State personnel will substitute for Rockland County workers, rather than supplement them, and to receive some form of assurance that bus drivers in Westchester County would drive in the event of an emergency. A close reading of the FEMA and Argonne reports indicates, as explained above, that the serious deficiencies which prevent there from being assurance that adequate protective measures can and will be taken go far beyond the two widely publicized deficiencies.

In this section, we will discuss the serious problems in planning which must be resolved in Westchester and Rockland Counties before even planning can be deemed adequate, let alone preparedness.

A. Westchester County - The signing of letters of intent or even contracts by bus companies does not solve the problems in Westchester. FEMA found that two major planning problems appear to exist in the transportation component of the plan -- Schools and Mobility-Impaired -- which thereby require a rethinking and redrafting of the entire transportation components. It is for this reason that Westchester, as FEMA notes in the cover letter to its report, is considering a proposal from the Transportation Safety Planning Group to develop a new transportation plan for the County. The plan is expected to take until the end of 1983 to develop.

It is important that the Commission understand the problems with the current Westchester transportation plan, which have been well-documented at the ASLB hearings but which have not been fully explained in the FEMA Post-Exercise Assessment.

First, Westchester, unlike the typical county surrounding a nuclear power plant, is heavily populated and urbanized. But even beyond that, because of the proximity of New York City, there is a highly developed mass transit system. As a result, a large proportion of the population, compared to other sites, do not own cars and are dependent on public transportation. FEMA has found that this number is in excess of 10,000 members of the general public, plus another 2,800 in hospitals, nursing homes, and other facilities. In addition, there are at least several thousand non-institutionalized,

mobility-impaired Westchester residents who would need special transit services, such as ambulances, were an evacuation ordered.

From a careful reading of the FEMA Post-Exercise Assessment, as well as the FEMA testimony presented to the ASLB on April 28 and 29, 1983, it is quite apparent that the transportation issues remaining in Westchester County are fundamental ones of planning and implementation, and not simply a matter of obtaining commitments from bus drivers, as has been portrayed in many press accounts.

Two-Wave and the O'Rourke Proposal - Presently, the plans call for effectuating an evacuation in two waves of buses. This was put into the plans because there are not enough buses to accomodate all the persons needing transportation in a single wave. All parties seem now to concede that there are numerous problems with the two-wave plan; this necessitates finding a different approach. Not the least of these problems is the substantial added time involved in having buses return for a second trip, even if there are commitments from bus drivers to drive.

As a result of this widespread acknowledgement of a fundamental deficiency in the bus plan for Westchester County, County Executive Andrew O'Rourke suggested that a possible alternative approach would be to free up the school buses so that they could be used for the general public's evacuation, thereby allowing one-wave evacuation. This freeing-up would be accomplished, according to the O'Rourke proposal, by releasing children from school at the Alert stage, the second stage in an emergency, rather than at the General Emergency stage, the fourth stage, when the rest of the public would be ordered to evacuate. The idea is that there would be sufficient time between the Alert and the General Emergency stage for the buses to get all the children home and be ready for duty to help evacuate the general population.

The O'Rourke proposal is not presently part of the plan, although the decision-making element of it was supposedly tested at the March 9, 1983 drill. County Executive O'Rourke pretended to order the schools evacuated that day at the Alert stage. No schools actually were closed or evacuated. The school buses were thereby assumed to be available for general evacuation.

At the ASLB hearing, both the State's witness, Mr. Davidoff, on March 23, 1983, and the FEMA witnesses, on April 28, were questioned about the O'Rourke proposal. A number of concerns are unanswered at this time and it is therefore only a proposal -- not a part of the plan. In fact, Mr. O'Rourke is seeking to fund a study which will take until the end of 1983 to review whether the proposal can be feasible and, if so, to develop sufficiently detailed plans so that it can become a part of the emergency response plans.

Among the concerns about the feasibility of the O'Rourke proposal raised at the ASLB hearings are the following:

- 1) Can the buses actually be called back in the middle of the day? Many of the drivers have other jobs and are not able to be reached, are not available, or are too far away to be able to respond rapidly.

- 2) Many of the students would arrive home to an empty house, since the parent or parents would be at work. Mr. Davidoff stated in cross-examination that he did not feel that was a flaw because state law requires that parents let school officials know where to send the children if they must be sent home. In other words, if children came home to an empty house, that is the parent's fault. The issue of assessment of fault, however, does not address the issue assuring protection of children.

- 3) There is no guarantee that the time between the Alert stage and the General Emergency stage will be long enough to allow the three to four waves of school bus trips that are necessary to take all the children home. The process usually takes around two hours. In apparent recognition of this, and for other reasons, the O'Rourke proposal has not been advanced as a solution for fast-breaking emergencies. This raises two problems. First, if neither the O'Rourke nor the existing two-wave plan is sufficient for fast-breaking emergencies, where is the adequate transportation plan for these emergencies? It must be remembered that the delays inherent in National Guard utilization were deemed serious because of its ineffectiveness in fast-breaking emergencies. The two-wave and O'Rourke proposals suffer similarly.

Second, if the O'Rourke proposal is to be used in emergencies other than fast-

breaking, it is critical to know at the Alert stage when the decision whether to use the O'Rourke proposal is to be made, whether or not the event is fast-breaking. It should be apparent after Three Mile Island that it is often exceedingly difficult at early stages of an incident to predict its flow. What may at first appear to be a slow-moving event can turn rapidly into a fast-moving one. Thus, in many instances, use of the O'Rourke proposal could turn out to be very wrong.

4) There has not been an early dismissal in Westchester in nearly ten years, because administrators recognize their many problems. They seem to be reluctant about the O'Rourke proposal.

5) Would not the dismissal of schoolchildren essentially give notice to the entire area, even before a general emergency were declared, that something serious was brewing at Indian Point? Would that not initiate a spontaneous evacuation which could come hours before officials were ready to properly orchestrate the planned evacuation?

Because of these problems, and others, the proposed study of the transportation component of the Westchester plans could well conclude that one-wave capability must be developed, which would mean the purchase of additional buses and the retaining and training of additional drivers.

Mobility-Impaired - FEMA found in its Post-Exercise Assessment that the part of the transportation plan dealing with non-institutionalized mobility-impaired people seemed to have not yet arrived at a state of preparedness. During the ASLB hearings, the problems were seen to be more serious even than lack of training and equipment on the part of ambulance teams. The whole plan for this component is seriously deficient.

Originally, the idea was for mobility-impaired people to return cards that were included in the public information brochures. The cards indicated that the person would need assistance in the event of an evacuation. The people were to have been contacted and arrangements discussed so that they would know what to expect and what to do if the need for evacuation arose. Some, in theory, were to be picked up at home. Others were to use their wheelchairs and get to bus stops, which in some cases were blocks away. They were to wait for the buses outside, without benefit of shelter for their protection

from radiation or the elements.

However, this was all in theory. It appears that a number of people did return the cards -- some 1,600 in Westchester County. Yet, this is only a fraction of reliable estimates of the actual number needing special assistance. It also appears that these 1,600 have not been contacted as to what to do. It now appears that rather than relying on these cards, non-institutionalized mobility-impaired people will in the future simply be told to call a special telephone number if an evacuation is ordered and instructions will be given. It is very difficult to understand how these thousands of telephone calls will be processed. How will people be ensured of getting through? Will each have a dedicated phone line? How will the information be given to an appropriate ambulance company during the actual emergency? If the accident occurred during a time with snow on the ground, would the people be able to roll their wheelchairs to bus stops to be picked up?

In short, the plans for these people are, at this time, highly inadequate. Again, the comprehensive review of Westchester County's transportation plan will be looking at these questions. The plan will not be completed until the end of 1983.

The issue in Westchester County is not simply commitments by bus drivers. It is training, equipment, public knowledge, and planning as well. These are not elements which a signature on a piece of paper will correct.

B. Rockland County - FEMA identified many problems in Rockland County preparedness. Many elements, however, could not be and therefore were not tested by FEMA because of a lack of a plan. Similarly, Argonne did not bother to attempt a verification since there was little to verify. Thus, even if a plan for Rockland were to be agreed upon by all tomorrow, the best FEMA could say would be that planning was now adequate, but preparedness has not yet been checked. In fact, based on the March 9, 1983 drill, FEMA would have to conclude that preparedness is far from adequate because of lack of training, public understanding of what to do, and lack of equipment, as outlined above.

And, as all are aware, we are still months away, at best, from a plan to which all can agree. FEMA rejects a state compensating plan unless the State can show the

capability to in fact take on the responsibilities actually needed in an emergency. Rockland County is working toward a plan, but, because of the complexities of the County, it is taking time to develop.

As just one example of some of the hurdles to be overcome, there are presently no plans for school evacuations. When Mr. Davidoff was asked about this at the ASLB hearings, he indicated that he had faith in the innate good sense of the school officials to handle the problem if an emergency arose. Under cross-examination, he said he trusted, too, in the good sense of the many other institutions in Rockland County without any written emergency plans and procedures. This sounds suspiciously like reliance on ad hoc response -- which the Emergency Planning Regulations were specifically adopted to avoid after the Three Mile Island accident showed the pitfalls of ad hoc response.

The problems in Rockland County are real -- in training, in public understanding of what to do, in equipment, and in planning. A simple change in the wording of the State's compensatory plan will not change these real problems.

C. New York City and Other Areas Beyond the 10-Mile EPZ - As the ASLB hearing testimony and cross-examination of both State of New York and FEMA officials made clear, there has been virtually no planning to deal with problems within the 50-mile ingestion EPZ, as well as no evidence of preparedness. Further, there was substantial expert testimony by Dr. Jan Beyea, confirmed by the Sandia report, that the 10-mile EPZ for plume exposure is inadequate. There has been no planning and there is no preparedness beyond the 10-mile EPZ.

Conclusion

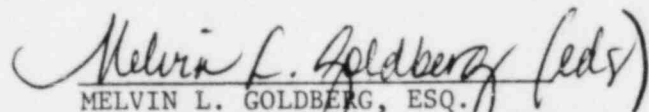
As is made evident above, and as recent press reports of statements by Mr. Dircks and others confirm, the problems remaining at Indian Point are serious and not capable of resolution by June 9, 1983.

The Commission is thereby presented with the question of what action to take when it has clear knowledge that adequate preparedness does not exist, even considering compensating measures.

The regulations seem to contemplate that, even in such situations, there might be compelling reasons to allow continued operation. We would assume that use of the wording compelling reasons to allow continued operation, rather than compelling reasons not to take enforcement action, places the decision-making in the realm of risk assessment rather than in the realm of who is to blame. If this be the case, as the discussion of municipality resistance, found at 45 Fed. Reg. 55404, would confirm, then Rockland County government's lack of clean hands or the utilities' innocence is not germane. Rather, the only relevant question remaining is whether the lack of safety at Indian Point is outweighed by the consequences of a shutdown to the region. These consequences might outweigh the risks posed by continued Indian Point operation if it could be shown that blackouts, with civil disturbances, were likely to occur as a result of shutdown. We have heard no such arguments even raised, let alone any evidence presented to back up such a specious claim.

Accordingly, we believe the Commission, in compliance with its regulations and statutory mandate, can come to but one decision, to wit, to shut down Indian Point 2 and 3 until such time that there is assurance that adequate protective action can and will be taken in the event of a radiological emergency.

Respectfully submitted,


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