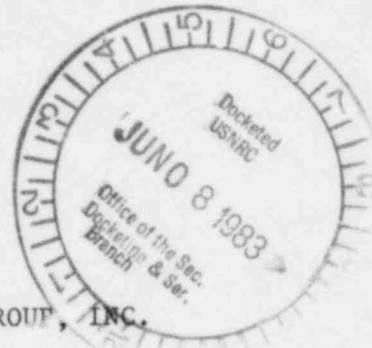


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TESTIMONY OF JOAN HOLT  
ON BEHALF OF THE  
NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.

AND

KATHY TOSCANI AND PATRICIA POSNER  
ON BEHALF OF  
CROTON PARENTS CONCERNED ABOUT INDIAN POINT

BEFORE THE  
U.S. HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON ENERGY CONSERVATION AND POWER  
COMMITTEE ON ENERGY AND COMMERCE

WASHINGTON, D. C.

JUNE 8, 1983

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The New York Public Interest Research Group, Inc. (NYPIRG) and Croton Parents Concerned About Indian Point (PARENTS) greatly appreciate the invitation to submit testimony before this Committee on the role of federal, state, and local governments and the utilities in planning, testing, and implementing emergency response procedures in the event of a nuclear power plant accident. We respectfully submit that consideration should also be given to the essential role of the public in these efforts.

NYPIRG is New York State's largest consumer 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, higher education, environmental protection, energypolicy, fiscal responsibility, political reform, and social justice are NYPIRG's principal areas of concern. NYPIRG's Indian Point Project was established in the fall of 1979 to monitor safety and emergency planning at our state and our nation's most densely populated reactor site. NYPIRG is an intervenor in the Nuclear Regulatory Commission's Atomic Safety and Licensing Board Special Proceeding on Indian Point.

Parents Concerned About Indian Point is a voluntary, unincorporated association of parents, teachers, clergy, and other residents of the ten-mile Emergency Planning Zone around the Indian Point Nuclear Power Station in Buchanan, New York. PARENTS was formed in October, 1981 in order to take part in the ASLB hearings on Indian Point, and to bring the inadequacies of emergency planning for an accident at Indian Point, as it relates to children, families, and people with special needs, to the attention of our neighbors and appropriate government officials.

The subject matter of today's hearing is indeed timely as it relates to Indian Point, for the roles played by federal, state, and local governments, the utilities, and the public go to the heart of the emergency planning and preparedness problems which remain so intractable at Indian Point. As we testify here today, we are all awaiting a decision by the Nuclear Regulatory Commission whether to order the suspension of operations at Indian Point on the grounds that, more than two years after NRC's deadline for implementation of emergency plans, preparedness remains inadequate to assure that the public can be protected in the event of an accident.

NYPIRG and PARENTS have recently submitted written and oral comments to the NRC Commissioners regarding numerous continuing deficiencies in emergency planning and preparedness at Indian Point, which we contend have not been corrected by utility and State efforts over the past few weeks. For reasons that we will not detail here, a New York State Compensatory Plan for Rockland County, submitted just last week, does not alter the fact that there does not exist today any implemented plan for Rockland. Nor has the public transportation problem for Westchester County been eliminated by recent agreements with bus companies or utility-run orientation sessions for bus drivers. At this date, the most optimistic projections for eliminating remaining deficiencies in emergency preparedness at Indian Point, leave the public unprotected through the remainder of 1983.

NYPIRG and PARENTS are convinced that there is a single over-riding reason why emergency planning and preparedness at Indian Point remain totally inadequate despite years of effort and utility expenditure in the many millions of dollars: The entire planning effort has proceeded backwards, from the top down. The result of this is that we have volumes of paper plans that cannot work, local governments that remain critical or that

have rejected the plans, and a vast population that has little or no confidence that they will or can be protected in the event of an accident at Indian Point. In the testimony that follows we will attempt to demonstrate to this Committee that emergency planning that is not a product of local efforts--by village, town, and county officials and community residents--is necessarily flawed and ultimately doomed to failure. We will do so by presenting to you, in some detail, the history of emergency planning at Indian Point--a sorry chronicle of utility/state effort, largely behind closed doors, which consistently ignored the input and criticism of local officials and steadfastly rejected the requests of residents and public interest groups to be consulted and involved. We hope that this case history will assist the Committee's deliberations by enabling its members to see what actually happens when emergency planning is in the hands of utilities and when even a state government fails to recognize the essential role of local officials and residents in the planning process.

The history of emergency planning at Indian Point has made several things clear to those of us whose lives, health, and property would be affected by a major accident at the plant. Protection of the health and safety of the public is the traditional domain of state and local government because state and local elected officials and agency heads are the ones most familiar with local conditions. All emergency planning must be done at the state and local level, with a great deal of public involvement from the very beginning. Without the checks and balances inherent in this approach, the Indian Point example will be repeated and plans will be submitted to FEMA for formal review by the utilities or by one level of government, even as the plans are being repudiated by a different sector with substantial emergency responsibilities. The expertise of the affected public will be crucial in

any emergency response, so the public must be fully involved from the start.

Discussions of a generic emergency response plan, which can be applied to any locale, are dangerous and irresponsible. A plan will be effective only to the extent that it utilizes actual available resources, identifies and accomodates local conditions, and relies on a public which believes in the plan. The crucial point here is that the plan must be familiar to the people who will be required to implement it, and those are the people who live and work around the nuclear plants. They are the ones who must demonstrate not just an intent to perform in case of an accident, but actual, tested ability to perform as a result of thorough understanding and frequent practice. The public and state and local emergency workers must be able to say, "the plans can work. We wrote this plan, we practiced it, we approve of it." If the local people can't do it, it can't be done.

Officials of state and local government have a mind-set and motivation to safeguard the lives and property of the citizens they serve. This mind-set is rewarded by the trust of the public in their local personnel. Conversely, the public will never trust emergency measures sponsored or prepared by the very people who insist that emergency measures will never be necessary. The utilities have a different mind-set, and one which is inimical to effective emergency planning and preparedness: a serious accident is practically "impossible;" emergency plans will never be needed; and a slick volume of paper plans is enough to satisfy the NRC emergency planning rule. The utilities have a poor track record. Their interest is in convincing the public that no accident will ever happen. That is the mind-set that insured chaos during the accident at Three Mile Island. It is a direct conflict of interest and a usurpation of the function of local

government for the utilities to direct and control off-site planning for an accident at their facility.

Radiological emergency response plans must be developed from the bottom up: starting with a comprehensive survey of the knowledge, attitudes, intentions, and demographic characteristics of the affected population, then building on plans prepared by local functionaries (police, civil defense, ambulance, hospital, social welfare, school, etc.) and reviewed by citizen advisory committees. That is the only way to assure that local needs are addressed, realistic resources are identified, and all response agencies are informed and prepared. The efforts of Rockland County are a paradigm in this regard. All affected communities must be allowed to develop their emergency response plans without haste and pressure. Nothing meaningful can be accomplished without the total involvement and co-operation of state and local government and the affected public. The "top down" approach chosen by the Indian Point licensees and their consultants guaranteed an unworkable plan, full of false assumptions, vague directives, and impossible missions. Without constant pressure from the public and their elected representatives, many serious flaws in the Indian Point radiological emergency response plans would never have seen the light of day. Only the vigilant efforts of local officials and the public brought the measure of improvements in the plan which we have seen to date.

In most cases the proper role of the state will be technical assistance, support, integration of counties with each other and with state, village and town government. In some cases it may be acceptable for the state to play the major role in planning and implementation, for example in sparsely populated areas close to the state capital where local government resources are extremely limited. But even in such cases, a state plan would not be implementable without the full integration and approval of local residents and personnel, including participation in training, exercises,



drills and actual implementation. However, in densely populated, complex communities such as those in the New York City metropolitan area (including Westchester, Rockland, and Suffolk Counties), far from the state capital, a state plan cannot replace a local plan. We vigorously protest the plan proposed by New York State Governor Mario Cuomo to train a crew of state employees to direct a staff of utility employees, National Guard and other outside personnel in conducting emergency response procedures in Rockland County. This is draining the state of essential back up resources which may be needed in any or all of the three other counties which will be affected by an accident at Indian Point. All county plans rely on support from the state which would be unavailable if state resources must be devoted to Rockland County.

Another major objection to Governor Cuomo's plans is to the use of utility employees as emergency workers. The primary responsibility of the utilities during a radiological emergency is to control the accident and to insure that there is no loss of off-site power. Utility workers must be assigned to the generating stations which would have to be brought on line to make up for the loss of the crippled reactor, and must be available to relieve employees battling accident conditions. The idea that the utilities intend to divert their work-force by forcing employees to take on unfamiliar responsibilities during a nuclear crisis diminishes their already low credibility. Furthermore, the recent exercise at Indian Point demonstrated that crucial time is lost when emergency personnel have to be brought in from outside the county.

An effective emergency response plan must be implemented by a large existing local work force which has had experience dealing with crises and with working together. It is irresponsible to think that a pool

of outside workers performing tasks which are unrelated to their ordinary jobs can effectively protect the health and safety of the public during a radiological emergency. Clearly, local plans need the back-up of state resources, and state plans must be fully integrated with local capability. Neither is sufficient, appropriate, or workable without the other. It is unrealistic and unsuitable for utility employees or military teams to usurp the function of local emergency response personnel. The difference between an experienced ambulance driver in Rockland County called on to travel familiar roads from a nursing home to a hospital and the best ambulance driver from Oshkosh being flown in to perform in totally unknown territory could be a matter of life and death.

The role we envision for the utilities in the emergency planning process is payment of the costs of radiological emergency planning and preparation. Of course, the real financial burden of all unwise utility decisions are borne by the ratepayers. We urge that the true costs of nuclear power be made explicit, starting with a "nuclear accident surcharge" in electric bills. If state and/or local governments, after making good faith efforts to maintain a state of readiness, come to the conclusion that, due to the combination of circumstances obtaining in their jurisdictions no emergency plan can mitigate the consequences of a serious nuclear accident and effectively protect the health and safety of the public, then nuclear power plants in those locations must close. Nuclear utilities must not be allowed to cast a veto over the traditional responsibility of local governments for the health and safety of their citizens. Democratically elected governments must be assured that they will have complete control over the resources necessary to carry out their responsibilities during a radiological emergency.



In May, 1980, the Indian Point licensees (Con Edison and the Power Authority of the State of New York) contracted with two firms to develop radiological emergency response plans for the four counties within the 10 mile plume emergency planning zone (EPZ.) By mid-August, draft plans had been reviewed by the Four County Nuclear Safety Committee, an ad hoc group consisting of the chief executive officers and directors of disaster preparedness of Orange, Rockland, Putnam and Westchester Counties. On October 2, Lt. Governor Alfred DelBello, then County Executive of Westchester County, wrote to Mr. J. Phillip Bayne of the Power Authority and told him:

Our approval cannot be given superficially, especially since approval implies that we believe the plan will work or that we have the capability to carry it out. We do not now have the capability to carry out this plan. We further have only your assurance that we will ever have this capability...When all is said and done, it will be the counties and the municipalities within the 10 mile radius that will be the first (offsite) line of defense in protecting the public from radiological hazards. We will have to live with that reality day in and day out...We are sobered by this thought as I am sure you are. Therefore, at our meeting on August 21st of the Four County Nuclear Safety Committee, we agreed to take the following unanimous position: "RESOLVED, that the Counties of Orange, Putnam, Rockland, and Westchester agree not to sign off on the Indian Point Radiological Emergency Response Plan until such time as the full resources of personnel, equipment and training funds needed to implement the four individual county plans are in place, or committed by legislation or contract, and are assured of being in place."

Mr. DelBello listed 5 additional concerns which would have to be addressed before the plans could be considered acceptable:

- an effective warning system
- a specific evacuation plan
- provision for a public employee to monitor conditions at the reactor site
- county control of emergency resources
- clarification of legal responsibilities

In spite of the united opposition of the four counties to adopting the plan before actual preparedness could be demonstrated, in December, 1980, representatives of New York State submitted the plans to the Federal Emergency Management Agency (FEMA) for formal review. Serious deficiencies in the plans were found by FEMA and by the Westchester County departments that are required to carry out a radiological emergency response. Other deficiencies were noted by the public at a meeting held in White Plains on January 28, 1981. County officials from the four counties continued to refuse to "sign off" on the plans, and Mr. DelBello wrote to FEMA, the Nuclear Regulatory Commission (NRC), New York State, and the licensees specifically to point out this fact, and to counteract rumors of local approval.

Mr. DelBello and other local officials continued to be extremely concerned about the transportation component, reliance on the licensees for notification of the onset of an emergency, and financial and operational resources. On January 29, 1981, Mr. DelBello wrote to NRC Chairman John F. Ahearne urging that the Indian Point Radiological Emergency Response Plan NOT be adopted by the Commission on April 1, the deadline for implementing emergency plans. "The many major flaws in the plan...mandate that the plan not be adopted until it is modified, refined and improved in large measure. Extensive analysis and revision will be required. To approve the plan on April 1 prior to such revision would be irresponsible."

In a February 11, 1981 letter to Rep. Richard Ottinger and Rep. Hamilton Fish, Mr. DelBello said, "In Westchester emergency response plans required by the NRC have been developed with virtually no local government, emergency service and citizen group input. County department heads have been consulted, but in some cases, their counsel has

been ignored. Thus far, the proposed plans for Indian Point in their present form will not work."

On April 24, 1981, the NRC advised the licensees that "we are of the view that many of these deficiencies identified by FEMA must be removed in order for us to conclude that appropriate protective measures can and will be taken in the event of a radiological emergency at your facility...This is to notify you that should the deficiencies not be corrected within 120 days of the date of this letter, the Nuclear Regulatory Commission will determine whether your reactor shall be shut down...or whether other enforcement action is appropriate."

This first "120 day clock" expired on August 24, 1981. On that date, Boyce H. Grier, director of NRC Office of Inspection and Enforcement, Region I, sent a letter to Con Edison and PASNY declaring that deficiencies in the offsite emergency response plans for the four counties surrounding the Indian Point reactors had been "resolved satisfactorily." This conclusion was based on a misreading of an August 19 memorandum from Robert Jaske, acting director for radiological emergency preparedness for FEMA, which said in part: "FEMA Region II has now received the plans for Ginna and Indian Point...A judgement of the overall adequacy of preparedness cannot be provided until the results of the exercise are evaluated." (emphasis added) FEMA had not had time to review the August, 1981, plan revisions and had not in fact made any evaluation of efforts to correct previously identified deficiencies. With support from Westchester and Rockland Counties, the New York Public Interest Research Group and the Union of Concerned Scientists filed a petition for review of the NRC decision in the US Court of Appeals for the Second Circuit in October, 1981. Since neither FEMA nor the NRC had reviewed the revised plans, the NRC was in no position to provide "assurance of both onsite and offsite preparedness

(as) needed to protect the health and safety of the public." (Grier's April 24 letter) The NRC assertion that emergency planning deficiencies had been "resolved satisfactorily" was in violation of the procedures of the emergency planning rules at 10 C.F.R. 50.54(s)(3), which require a review of revised plans by FEMA, and an independent evaluation by the NRC of FEMA's findings. The fact that the NRC ignored the advice and pleas of local officials in order to get the utilities off the hook regarding emergency planning was a clear signal to the public that the emergency planning rule would not be taken seriously.

The next major development in emergency planning came in March, 1982, when the Power Authority, FEMA, NRC, New York State, and county governments staged the first "exercise" of the Indian Point emergency response plans.

Led by the police chiefs, fire fighters and ambulance technicians, Rockland County severely limited its participation in the 1982 exercise. The Police Chiefs Association resolved unanimously to boycott the simulation because "the Chiefs do not believe the current plan addresses the key issues." They called the plan "not workable nor in the best interest of the communities in the vicinity." Stony Point Police Chief Stephen Scurti summed up the feelings of the local police officials who refused to participate in the exercise: "I don't want the people of North Rockland lulled into a false sense of security...If they see the police participating they'll think it's a viable plan, and it's not."

The local law enforcement officials in Rockland County identified the fundamental weakness in the approach to emergency preparedness around Indian Point: "There has been a total lack of communication with emergency services in Rockland County." The utilities "top down" planning was thoroughly rejected by Rockland County in its Resolution 320

of May 18, 1982, wherein the County Legislature resolved to develop its own plan, using the resources known to be available in Rockland County, and relying heavily on input from local residents, government officials, and emergency response personnel.

The "Post Exercise Assessment" published by FEMA on May 27, 1982, revealed many flaws in the plans. The most dramatic was the widespread failure of the prompt notification sirens. Regarding Westchester County, the Post Exercise Assessment revealed the following: "A need for better communications between the Nuclear Facility and the Westchester Emergency Operations Center was identified. The plant data on release rates, meteorological conditions, etc., were not always complete. Some data bypassed the county representative ...at the EOF." (p. 28) This is an example of what Westchester County officials, including Alfred DelBello, Audrey Hochberg, and Nancy Elliott have been saying all along: we cannot rely on the licensees to give complete, accurate, timely information about plant conditions. This remains a matter of serious concern. "Evacuation capabilities for the mobility impaired, especially those institutionally confined, were not adequately demonstrated. One bus had a platform for loading a wheelchair, but the relatively long load time and the lack of a radio restricted its usefulness." (p. 35) This is also a deficiency which still remains and is related to another serious problem: there is no adequate system for identifying people outside institutions with special needs during a radiological emergency. Those who have identified themselves to planners have received no special instructions or arrangements for their care.

On July 30, 1982, FEMA released its "Interim Findings on the Adequacy of Radiological Emergency Response Preparation of State and Local Governments at the Indian Point Nuclear Power Station." The Interim



Findings reported 5 areas of major deficiencies, many of which had been noted in the Regional Assistance Committee (RAC) comments of December, 1980, and July, 1981, and the first Post Exercise Assessment:

1. Notification Methods and Procedures (Planning Standard E, NUREG 0654)

"Methods and procedures for notification of emergency response personnel and for notification and instruction of the populace within the plume exposure pathway EPZ were found to be deficient..."

- no verification procedures for emergency communications
- incomplete functioning of the siren system
- lack of back up alerting systems
- ineffective initial call-out methods for schools and emergency personnel (Rockland County)
- inability to notify transients (Westchester County)

2. Public Education and Information (Planning Standard G)

"Public education program and procedures for dissemination of information to the public were found to be deficient... During the exercise, interviews with EPZ residents indicated a lack of awareness of the notification system, the Emergency Response Planning Area (ERPA) designations, and their individual responsibilities."

3. Protective Response (Planning Standard J)

"Actions to protect emergency workers and the public... were found to be significantly deficient..."

- insufficient site specific means for identifying and removing impediments to evacuation (fallen trees, disabled vehicles, etc.)
- inadequate description of methods to protect or isolate food and water supplies
- inadequate procedures for monitoring evacuees and for controlling contamination
- no plans for evacuation of non-institutionalized mobility impaired people
- no commitments from private and public bus operators
- insufficient training in contamination monitoring
- inadequate maps and instructions to bus drivers and the populace regarding evacuation routes

4. Radiological Exposure Control (Planning Standard K)

- deficient means for controlling radiological exposure of emergency workers
- decontamination levels not specified
- incomplete procedures for waste disposal
- lack of sensitive self-reading dosimeters
- lack of permanent record devices (TLD's, film badges)
- inadequate identification of medical facilities capable of decontamination and care
- lack of monitoring equipment
- inadequate procedures for authorizing excessive exposures for emergency personnel

5. Responsibility for the Planning Effort (Planning Standard P)

"The County Legislature of Rockland County passed a resolution (Resolution 320) that prohibits the use of County employees and the expenditure of County funds for the further development of Federally mandated radiological response plans for commercial nuclear power plants located at Indian Point...FEMA is concerned that Rockland County may be unable to implement (the State) plan in the absence of commitment of resources for required equipment, and adequate staffing, and the lack of participation in training and drills and exercises."

Once again, instead of taking immediate enforcement action against the Indian Point licensees, the NRC allowed a second grace period of 120 days to correct deficiencies. The licensees, FEMA, the NRC, and New York State began holding bi-weekly meetings, the results of which were evaluated by FEMA in a report dated December 16, 1982, entitled "Update Report on the Status of Remedial Actions Cited in the July 30, 1982 Interim Findings..." Although the chart accompanying this report has frequent RAC evaluations of state and county response actions such as "not complete," "unacceptable," "RAC comment ignored," "response does not address criteria element," "rebuttal of RAC comment unacceptable," "response not incorporated in plan revision," "vague reply," "adequacy of response cannot be assessed until changes are provided," - the bottom line of the Interim Findings was that only two of the remaining plan deficiencies were

categorized as "significant:" the lack of agreements with bus operators and drivers in Westchester County, and the lack of a completed, revised, exercised plan for Rockland County.

On December 22, 1982, the NRC issued a Decision (CLI-82-38) which stated that "the Commission has decided that no shutdown or other enforcement action is needed at this time...However, the Commission will continue to monitor the progress that is made...The status of emergency planning will be revisited by the Commission upon receipt of FEMA's evaluation of the March 1983 exercise for Indian Point." In separate remarks, Commissioner Ahearne said, "I am willing to allow operation of the plants for now. This has been a close judgement and I wish to revisit this issue one month after the exercise, and certainly no later than the end of April. At that time we should have FEMA's evaluation of the exercise, as well as a resolution of the Westchester bus driver issue and approved Rockland County emergency plans. If these do not occur, at present I do not believe I would support continued operation of the plants."

From January through March, 1983, local residents, emergency workers, and government officials painted a dismal but accurate picture of emergency preparedness in testimony before the Atomic Safety and Licensing Board (ASLB), a three judge panel established by the NRC to conduct a special investigation of safety issues at Indian Point.

Mr. Raymond S. Jurkowski, Westchester County Deputy Commissioner of Transportation had this reaction to the FEMA "Update Report:"

The only transportation related problem identified in the FEMA report is "the possible non-response of commercial bus drivers used for evacuation in Westchester County." Other issues raised in our original testimony and those appearing on pages 26 and 27 of FEMA's Interim

Findings of July 30, 1982 have not been incorporated in the recent updated version, nor made part of the work effort by the Task Force set up to address plan deficiencies...It is our belief that the identification... of our problems and those perceived by the public would have cast a larger shadow on the status of preparedness and the practicality of implementation.

The bi-weekly Task Force recommendation to side step the issue of agreements with bus companies and drivers was to use National Guard troops. Mr. Jurkowski expressed

serious reservations about the ability of the National Guard to mobilize and carry out its responsibilities in the few hours required under the plan. The additional four or five hours needed to mobilize the Guard can potentially retard our entire evacuation scenario...We also anticipate complications arising from the Guardsmen's unfamiliarity with local roads and conditions. This situation is further compounded by the fact that we still do not have satisfactory route maps, that not all the required bus movements have been mapped, and that not all evacuation routes have been verified as to their suitability for bus operations...Similarly, we anticipate further problems arising from the Guardsmen's unfamiliarity with operating different types of buses.

These remarks are particularly pertinent because they apply equally to the proposed use of any federal troops or emergency SWAT teams.

Alma Cormican, president of the White Plains Teachers Association, spoke to the ASLB on behalf of the teachers whose schools have been designated as reception centers in the radiological emergency response plan for Westchester County:

In spring, 1982 some White Plains' teachers read in the Citizen Register (newspaper) that the Ridgeway School was matched with a Croton school for purposes of receiving Croton students in case of evacuation due to a disaster at Indian Point. When the Association asked (the new Superintendent of Schools) about it, he had it researched in school district files and found a contract with the Red Cross for use of the high school only. We asked where White Plains High School students would go and were told they'd be sent home. In the fall...I went to the White Plains Public Library and read the plan myself. Six other schools (besides our high

school) are involved as reception areas. There has been no authorization by the school district for the use of these buildings. Of those six unauthorized schools, three are no longer used by the school district. Two have been sold and one is rented.

The Emergency Evacuation Plan was released in August, 1981. Rosedale, North Street and Church Street were closed in June, 1979. The plan to close these schools was announced January 12, 1977 and voted into action at the February 15, 1977 Board of Ed meeting. What kind of research did (the utilities' contractor) do to produce an emergency plan involving three school buildings whose closing was announced four and a half years prior to the publication of the plan? How reliable is this plan? Why wasn't the school district involved?

We understand that there have been recent changes such as upcounty parents picking up children from their own community schools. However, what sounds simple is not. It is a most complicated matter to close a school down in an emergency situation...In 1973, White Plains decided to close schools in the middle of a day because of a snow storm. Ten years ago we did not have the number of working parents we have today. Nevertheless, about thirty per cent of the parents could not be reached. Most of those children had to remain in school until regular dismissal time. We have never repeated that exercise because of the bedlam and chaos it created ten years ago.

...Our Board of Education agreed to the use of one building without realizing the involvement of staff. No one has asked the custodians if they will stay to run the boilers. Yet, just as it was assumed that White Plains would volunteer other schools, the cooperation of our staff is also assumed. The welfare of 270,000 evacuees plus thousands more in receiving communities is being based on assumptions and on a view of human nature that can only be termed "Pollyanna."

There was a second exercise of the Indian Point emergency plans on March 9, 1983, and FEMA submitted its Post Exercise Assessment on April 14. Frank Petrone, Regional Director of FEMA, concluded, "As for Rockland County, a judgment on adequacy will not be able to be made until the County plan is developed and exercised with full County participation. For Westchester County, a judgment of adequacy will not be able to be made until the transportation plan is revised...As of this date, FEMA cannot assure that public health and safety can be protected in the 10 mile EPZ around Indian Point."



On May 5, 1983, the NRC issued an "Order Establishing Procedures for Decision on Enforcement Action" (CLI-83-11) which further postponed the day of reckoning for the faulty emergency plans. The NRC admitted that "At this point, the NRC must consider the shutdown of the plants pending correction or mitigation of the two major deficiencies found in the March exercise...The Commission's present intention is to issue an order by June 9, 1983 promptly suspending operations of the Indian Point plants unless: (1) FEMA has determined that the significant deficiencies as determined in FEMA's Post Exercise Assessment dated April 14, 1983 no longer exist or (2) the licensees demonstrate... (a) adequate interim compensating actions... or (b) deficiencies...are not significant, or (c) other compelling reasons exist to permit operation...or (d)...other factors justifying continued operation."

The NRC Commissioners heard comments on May 26 from the licensees, local officials, and representatives of the public interest concerning its May 5 order. Westchester County Legislator Sandra Galef of Ossining said there are many other flaws besides the two cited by FEMA, including inadequate police communications equipment, lack of training, and confusion about plans for schoolchildren. She pointed out that a workable plan might be in place today if local officials and residents had been involved in the planning process from the start. Croton Police Chief Reginald Lambruschi cited narrow, winding roads and the lack of an adequate plan to evacuate patients from a nursing home in his jurisdiction as additional problems. Herbert Reisman, Chairman of the Rockland County Legislature, pointed out that the original four-county plan had been rejected precisely because "it could have been made for Utah and put the name Rockland County on it."

Today, the following deficiencies noted in the first FEMA reviews of the Indian Point Radiological Emergency Response Plans remain, still problems which will hamper an effective emergency response:

- There is inadequate communications capability between and among local (town and village) police agencies.
- Public education and information programs have not been carried out or have not been successful. People still do not know what the sirens mean or what the ERPA designations are. There are no plans for informing the public and emergency workers of the need for respiratory protection.
- Actual plans and procedures for special facilities (schools, nursing homes) and special needs populations (handicapped, elderly, home-bound) have not been worked out.
- Emergency workers have not been advised of exposure limits and no procedures have been worked out as to authorizing exposure in excess of limits.
- Water used in decontaminating people, vehicles, and equipment will be allowed to run off into the ground and into the sewer system because there is no feasible way to collect it for proper disposal.
- Ambulance corps are not trained or equipped to transport contaminated people. Hospital facilities will quickly be overwhelmed if a large scale release of radiation occurs.
- Congregate care centers are not prepared for their role as hosts to evacuees. Local Red Cross facilities are strained to deal with one apartment building fire. National Red Cross mobilization will take extra time.
- Monitoring procedures are rudimentary and time consuming. There are no plans to monitor internal (inhaled or ingested) contamination or to do blood counts or take nasal smears.
- There have been no night drills, no surprise drills, and no drills involving the public.
- Training is not detailed and specific enough. It has been characterized by local police officials as "introductory" and "rudimentary." The training does not address the role of the emergency worker in the response plan. There has been no independent evaluation of the training curriculum.
- Monitoring of food, milk and water will require at least 2-3 days for collection of samples, delivery of samples to Albany for analysis, and obtaining results of analysis.
- The only provision for recovery and reentry into the contaminated area is to wait until radiation levels are low enough so we can again be assured there is "no danger to the public." It would be impossible to decontaminate all the buildings, land, vehicles, equipment, and wild animals that would be affected by a major release of radiation at Indian Point.

NYPIRG and PARENTS believe that the history of emergency planning and the current inadequate state of preparedness at Indian Point point to the truth of the following conclusions:

1. Emergency planning and preparedness for natural and man-made disasters is the traditional responsibility--and the right--of state and local governments. We cannot permit utilities to assume the functions of our elected governments. The boundaries of nuclear power plants must not be allowed to encompass our communities.

2. Adequate emergency planning and preparedness depend on a joint and cooperative effort of state and local governments and affected community residents because, in an emergency, protective measures cannot succeed without the mutual confidence and support of all three entities. Plans must incorporate the expertise and address the concerns of the residents who must be sheltered or evacuated, the local (village, town, and county) personnel who must execute protective measures, and the state agencies who must support and coordinate regional emergency response procedures. The state cannot do the job alone because it lacks the intimate familiarity with local conditions that is necessary. Most local governments lack the resources to manage without the support and resources of the state. Both levels of government must be fully aware of the needs, concerns, and anticipated responses of the public, and in turn, the public must feel that these have been addressed if they are to have confidence in and respond appropriately to emergency measures during an accident.

3. Utilities cannot and should not play a role in implementing off-site emergency preparedness, beyond that of keeping state and local officials (and appropriate federal agencies) fully and swiftly apprised of accident conditions at the plant. Utility personnel must not be diverted from their crucial responsibilities to bring the accident under control and to prevent the loss of off-site electricity.

4. Though federal support and assistance may be required during an emergency, such activity must be viewed as supplemental to the efforts of state and local personnel for whom they cannot effectively substitute. We reject the notion of regional "swat teams" or the use of federal troops. Such suggestions are more appropriate to a police state than to our civilian, democratic society.

5. Emergency plans, on paper, are only the first step. In order to ensure adequate preparedness to cope with a radiological accident emergency personnel must be fully equipped and trained, protective measures must be extensively practiced and tested, and the public must be well educated and informed. Plans, procedures, and public information must be frequently updated. Emergency drills must be conducted regularly and must involve more than Command and Control elements (a drill involving 5 buses, for example, does not test the workability of a plan calling for 500 buses). A sense of duty on the part of local emergency personnel, the will to do everything possible

to protect the public in an emergency, is not sufficient (nor is it questioned by us). Preparedness requires capability to carry out protective measures: equipment, training, practice, testing. Demonstrated readiness and capability of state and local governments to implement emergency plans must remain a strictly enforced requirement.

6. Utilities must not be permitted to cast a veto over the responsibility of local governments to provide adequate protection to their citizens. "Cooperation" of local governments must not be imposed upon them when what that amounts to is signing off on plans that they believe to be unrealistic and unworkable. Local governments must be permitted the time and provided the resources to try to develop emergency plans they can implement and to achieve a state of readiness to respond adequately in the event of an accident. If, at some plant sites, this cannot be achieved easily or quickly, some plants may have to be temporarily shut down. If, after making a good-faith effort, a local government or a state government determines that it is impossible at a particular site to develop and implement workable emergency measures, then some plants may have to be denied operating licenses. This is a fact that must be confronted because some plants, sited long before Congress and the NRC determined that emergency planning and preparedness is necessary to protect the public, may prove unable to meet the NRC's emergency preparedness standards. In the future, if any new nuclear plants are proposed, before a site is approved and a construction permit granted, feasibility studies such as the one conducted recently for Suffolk County, will enable a determination to be made prior to construction as to whether or not adequate emergency preparedness is possible.

In closing, NYPIRG and PARENTS respectfully offer the following suggestions:

1. We believe it essential that Congress move quickly to enhance the role of the Federal Emergency Management Agency in assisting the emergency planning effort, conducting verification studies of preparedness, performing "acceptance testing" and public information surveys, expanding the review and evaluation process, and evaluating more comprehensive exercises than are now performed. It has been our direct observation that the FEMA regional offices lack both the staffing and the financial resources to perform their enormous task adequately. We have been highly critical, at times, of FEMA's failure to identify emergency planning and preparedness problems at Indian Point that are apparent to local officials and the public, but, in fairness, we

must concede that this has sometimes been due to the fact that a small regional staff, working with a very limited budget, is simply unable to do as much as is necessary.

2. The role of the public in the emergency planning and preparedness effort must be enhanced and protected. Congress should require FEMA to adopt formal procedures for public participation in its review process: formal comment procedures and formal public hearings. FEMA should also be required to adopt specific procedures for addressing the concerns, information, and comments of the residents of the communities whose protection they are overseeing. The role of the public in NRC proceedings must also be expanded. The significant role of the intervenors in the just-concluded Indian Point ASLB hearings cannot be disputed: it was primarily because of our efforts that so many of the defects in emergency planning and preparedness were brought to light. It was our witnesses--local officials, emergency personnel, teachers and school administrators, bus drivers and policemen, representatives of special needs groups, and other local residents--and those officials who testified on behalf of Westchester and Oakland Counties, who exposed the many existing inadequacies in planning and preparedness. The hearings also highlighted the nearly insurmountable difficulties concerned public interest groups have when attempting to work within the system, in governmental proceedings, to challenge deficient emergency planning and raise other safety issues. The Indian Point licensees, Con Edison and the Power Authority, spent millions of dollars for studies, witnesses and lawyers fees; the intervenors had to work within a shoe-string budget, depending almost entirely on witnesses willing to appear pro bono, grossly underpaid attorneys, or, in the case of some groups, no attorneys at all. The record of NRC licensing proceedings provides abundant evidence that public intervenors have frequently been



successful in bringing to light major safety problems which otherwise might not have surfaced. In the interests of safety, then, we believe it incumbent upon Congress to act to provide a mechanism for intervenor funding.

3. There has been much discussion of late about the funding of emergency planning for nuclear plant accidents. For the public, it is a no-win situation: we are endangered by the operation of nuclear power plants in our communities; we can purchase no insurance to cover our lives, our health, our homes, or our environment; yet it is we who must pay, as taxpayers or as ratepayers, for emergency planning and preparedness. We are given no voice in determining whether we wish to have nuclear plants in our backyards (and the majority of Americans do not, as you know). But, given our experience at Indian Point, where we have witnessed an obscene manipulation by the utilities of local officials who lack resources and are hard-pressed to turn down promised money, equipment, and even salaries, NYPIRG and PARENTS are convinced of one thing: The decisions and activities of local governments must somehow be insulated from the utilities' power to withhold or grant funds at will. It must be made a matter of law that utilities bear the full cost of off-site radiological emergency planning--as a cost of doing business. Nuclear plant owners must pick up the tab for all expenses incurred by the surrounding communities who are forced to prepare to protect themselves should a reactor accident occur. Local governments must know from the start, as a matter of certainty, that they may charge their radiological emergency planning expenses directly to the utilities.

4. If, tomorrow, the NRC Commissioners refuse to uphold and enforce their own emergency planning and preparedness regulations by voting to permit continued operation of the Indian Point plants--despite the fact that there is still no assurance that over a quarter of a million

people living in the ten-mile EPZ can be protected in the event of an accident--then Congress must make its intent clear to the NRC: that there is to be assurance that the people living around nuclear power plants can and will be protected in the event of a radiological accident, and that de-regulation in this critical safety area will not be tolerated.

Respectfully submitted,

New York Public Interest Research Group, and  
Croton Parents Concerned About Indian Point

June 8, 1983

(attachments)