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Chairman Nunzio J. Palladino  
Commissioner Victor Gilinsky  
Commissioner John F. Ahearne  
Commissioner Thomas M. Roberts  
Commissioner James K. Asselstine  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20005

Dear Commissioners:

We write to place in some context our understanding of the April 14, 1983 Federal Emergency Management Agency (FEMA) post-exercise assessment of the March 9, 1983 Indian Point emergency planning exercise. As we understand FEMA's position, it concludes that significant progress has been made in upgrading off-site emergency planning since the 1982 exercise, and finds that even today substantial progress is being made almost on a daily basis, but it continues to express concerns about the participation of one of four surrounding counties and the public transportation situation in another county.

A major concern of FEMA relates to the degree of participation in the March 9 exercise of Rockland County, one of four counties with territory in the Indian Point ten mile plume exposure pathway EPZ. The FEMA critique concludes that because that county's officials did not participate in the March 9 exercise, but were instead supplanted by State of New York personnel, "no County capability was demonstrated on March 9, [and thus] the significant deficiency previously identified still remains" (Petrone to McLoughlin letter dated April 14, 1983). First of all, NRC regulations by no means require the complete cooperation of every one of potentially numerous local governments in the emergency planning process as a condition of adequate emergency preparedness. The issue of "local government veto" of nuclear plant operations is currently being widely debated and those issues need not be recounted here. However, it is important to note that by premising a deficiency finding upon a lack of demonstrated

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capability by one local government, the FEMA assessment quite clearly presumes that full and complete local government acquiescence in emergency planning is essential.

In the particular situation with this local government, the State of New York has committed to a comprehensive compensating action program whereby State officials perform the emergency response functions of non-participating local government personnel. This program was exercised on March 9, and the FEMA regional director concluded that the State "did a commendable job under the circumstances." Nonetheless, in his assessment report he concluded that a deficiency exists, not on an assessment of the efficacy of State workers filling in for non-participating local workers, but rather on a literal procedural reading of the compensating action portion of the State plan as requiring local participation after the declaration of a state of emergency by the Governor in the event of an actual emergency. Once again, we see no evidence of FEMA having made a transition from considering precise compliance with written plan requirements to the practical evaluation of overall governmental capability to respond effectively to an actual emergency.

There is a further and independent reason why it is inappropriate to assess preparedness capability in Rockland County based upon the March 9 exercise events alone. Although that local government has withdrawn from the coordinated planning process with NRC, the State and other local governments, Rockland County has quite clearly stated that it would cooperate fully in the event of an actual emergency. Since the local government says it will not participate in drills but will participate in actual emergencies, it was particularly inappropriate for the FEMA critique to make judgments about the latter based upon the county's professedly different approach to the former.

Because response capability in Rockland County (other than the State's compensating measures, described as "commendable") cannot be assessed from the March 9 exercise, FEMA should have looked beyond that one day event for insights into the sufficiency of response to a real emergency. We and the State urged FEMA to refer to the radiological and disaster response training that has been provided to Rockland County workers for insights into how they would respond to an actual event. But FEMA declined to look at this "real-world" activity. Indeed, extensive materials relating to licensee-sponsored training of county personnel was not even requested by FEMA until after its April 14 assessment had been prepared.

Also, while simulated accidents and practice drills can be helpful in evaluating emergency preparedness, the best way to evaluate response capability is to observe what happens when a real emergency occurs. On April 12, two days prior to the issuance of FEMA's report, which concluded that no capability was demonstrated by Rockland County, the county did participate in a real evacuation involving hundreds of people when an explosion took place in a chemical plant (see attached article, New York Daily News, Wednesday, April 13, 1983). In fact, police and fire personnel and county officials utilized equipment furnished and procedures developed in connection with emergency planning for Indian Point.

With respect to the second so-called significant deficiency cited by FEMA, we also do not believe that the FEMA conclusion is supported by the experience of the March 9 exercise. FEMA's conclusion as to the adequacy of the transportation component of the Westchester County plan rests entirely upon an assessment of five bus routes driven during the March 9 exercise. FEMA's assessment of each (at p. 29-30) ran the gamut from "good job" to "not prepared." Indeed, to judge an entire transportation plan on the basis of five buses seems somewhat incomprehensible. Moreover, since FEMA's own appraisal acknowledges that "all buses are due to be installed with radios in April 1983" (at p. 30), any uncertainties regarding routes can be quickly resolved. The only additional FEMA transportation-related comment, relating to the claimed unfamiliarity of ambulance personnel with radiological emergency procedures, is belied by the radiation training received by ambulance personnel.

The FEMA assessment also fails to put in any context the significance of the transportation component of the Westchester County plan which it labels deficient. Except in exceedingly improbable fast-moving accident sequences where sheltering would be the preferred emergency response alternative in any event, this local government has determined that if an evacuation were ordered when schools were in session, children would be sent home using regular "snow day" procedures. Presumably, school bus drivers would then be following everyday routes, so the route unfamiliarity cited by FEMA would not occur. With respect to those members of the general public who would be transit-dependent in the event of an emergency, a 1982 poll commissioned by Westchester County indicates that a very small minority of the residents would be in that category. The remainder would self-evacuate by private automobile, with the great majority of those persons without automobiles receiving rides with friends, relatives,

neighbors and co-workers. These factors are of overriding significance to the likely success of a mass evacuation of the Westchester County portion of the Indian Point EPZ, yet they are either briefly mentioned or ignored in the FEMA post-exercise assessment.

An NRC consultant, Dr. Thomas Urbanik, has performed an evaluation of Indian Point evacuation time estimates and has concluded that the time which would be required to evacuate the EPZ surrounding that site is equal to or less than the time to evacuate numerous other sites. We submit that this is substantially more significant than the matters referred to by FEMA.

We must also take issue with FEMA's ability to reach a conclusion as to whether public health and safety can be "assured" at Indian Point. In the first place, how anyone or any organization can make such a blanket assurance about anything is beyond our comprehension. In order to answer such a question with reference to probabilities, one must look further than letter compliance with plans, or whether bus drivers have memorized routes. In the final analysis, assessing whether public health and safety would be protected during an accident involves both on-site and off-site considerations. Scoring high marks on a FEMA report card may be of much lesser significance to public safety than such factors as the time during an accident sequence when the containment building might be expected to fail based upon its structural characteristics.

The Commission has a major proceeding in progress which is addressing these very subjects specifically for the Indian Point plants. The Indian Point Special Proceeding is now nearing completion before an NRC Atomic Safety and Licensing Board, and thousands of pages of testimony have been received on the sufficiency of emergency planning to protect the public. It can safely be said that such testimony indicates that any delays in emergency response such as those which might be expected due to the so-called significant deficiencies cited in the FEMA post-exercise assessment would have a minor or barely perceptible impact on the public in the event of an accident. This appears to have been anticipated by the NRC's regulations, which provide for Commission consideration of whether supposed deficiencies "are not significant for the plant in question," 10 CFR 50.54(c)(2)(ii).

Clearly a post-exercise critique is one useful source of information as to the adequacy of emergency preparedness, but many and varied sources of information



must be relied upon to make an informed judgment on the broader question of whether there is reasonable assurance that adequate protective measures could and would be taken in the event of a radiological emergency at a particular site.

From this standpoint we are surprised that the director of FEMA Region II would attempt subjectively to conclude from an appraisal of exercise observer reports that public health and safety cannot be assured. Even within the confines of the NUREG-0654 checklist which FEMA used to prepare its critique, we find the FEMA document silent on the logic process by which any given event occurring during the March 9 exercise was translated into a conclusion about public health and safety. In sum, the sweeping conclusions reached by the FEMA regional director do not appear to us to be at all supported by the pieces of evidence upon which it purports to rely.

We are also concerned about an apparent lack of effort by FEMA to standardize the criteria applied in reaching conclusions about planning adequacy. We have reviewed a number of other FEMA post-exercise assessments relating to other plants, and have concluded that yardsticks of adequacy being applied at Indian Point are quite different than those used in other FEMA regions, where exercise shortcomings are not bootstrapped into findings of overall preparedness inadequacies.

Con Edison thus disagrees with portions of the FEMA report as unsupported by the information available, or in some instances without any factual underpinning at all. We do agree with FEMA that substantial progress is being made almost on a daily basis. If we can assist the Commission in any way in its consideration of emergency preparedness at Indian Point, we would be happy to do so.

Very truly yours,

  
John T. Conway

JTC:ek  
Attachment

cc: Samuel J. Chilk, Secretary  
William J. Dircks, Executive Director for Operations

# Rockland blast routs hundreds

By THOMAS HANRAHAN

Explosions shook a Rockland County chemical plant last night and set it ablaze, spewing toxic fumes into the sky and forcing the evacuation for several hours of hundreds of residents living within a mile of the plant, police said.

One plant worker suffered burns.

"We don't know yet what started it but several propane tanks have also exploded and we know the fumes are dangerous," said Haverstraw Police Officer John Casey. "There are 144 mobile homes in a trailer park only 50 yards away." Most of those evacuated live in the trailer park.

The first explosion at Midland Processing Inc., a precious-metals recovery plant on Quaker Road in the village of Pomona, took place at 9:53 p.m. It sent clouds of acrid white smoke billowing, and police quickly began evacuating nearby residents.

Fire companies from New City, Spring Valley,

Thiells, Hillcrest and West Haverstraw joined in battling the flames, though firefighters were hampered in efforts to get close to the blaze.

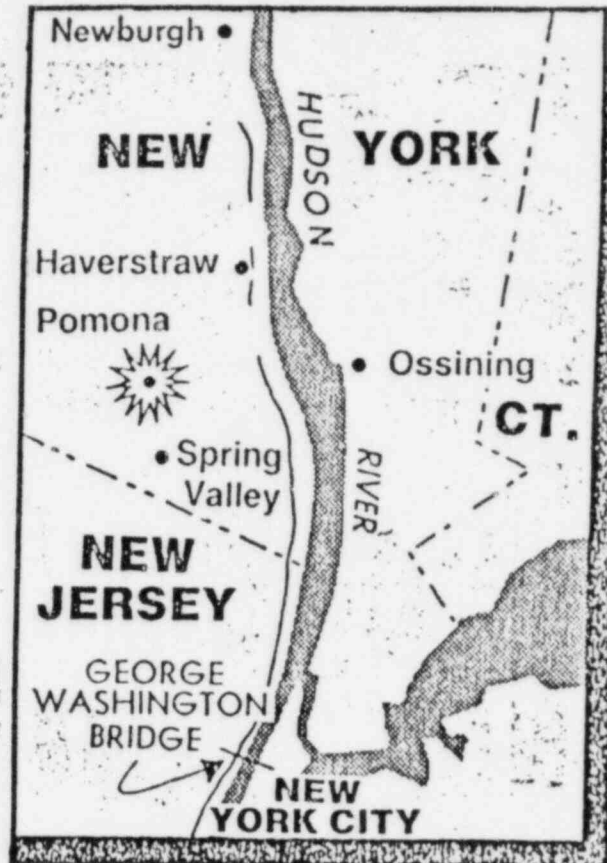
"IT'S VERY THICK, ugly tasting smoke and a very intense blaze," said one Rockland County fire official. "It's going to be awhile before we get close enough to figure out what ignited it."

Police said the plant specializes in recovering precious metals from old film, such as the silver used in X-ray film. The plant operates around the clock.

The unidentified worker was treated at Good Samaritan Hospital in Suffern for minor burns.

Local schools and firehouses were opened to house the evacuated families under a disaster plan previously designed by area fire companies. Haverstraw police drove from house to house broadcasting the evacuation procedures over loudspeakers.

Police reported the blaze was brought under control about midnight, and that residents were being allowed to return to their homes. The area immediately around the plant was cordoned off until county Health Department investigators could complete an examination for possible toxicity.



Hundreds of residents living within a mile of Midland Processing Inc. in Pomona, Rockland County, were evacuated after explosions at chemical plant sent toxic fumes billowing.