

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY OF NEW YORK)	Docket Nos. 50-247 SP
(Indian Point Unit 2))	50-286 SP
)	
POWER AUTHORITY OF THE STATE OF NEW YORK)	
(Indian Point Unit 3))	April 25, 1983

INTERVENORS' JOINT MOTION REQUESTING THE
BOARD TO ENSURE THE COMPLETENESS OF THE
RECORD ON COMMISSION QUESTIONS THREE AND
FOUR

Intervenors acting jointly have identified several subjects on which the evidence received on emergency planning issues is incomplete, and requests the Board to keep the record open until these subjects have been addressed adequately.

First, Intervenors note that the issue of the adequacy of the commercial telephone system within the emergency planning zone at Indian Point has arisen several times in this proceeding. Indeed, FEMA testified in June, 1982 on this issue, in general, stating:

It can reasonably be expected that the telephone system could become overloaded in the even of an incident. This is why NUREG-0654 requires a back-up communication system and an effective alert and notification system via EBS so people will not be dependent on the phones.

FEMA direct testimony, June 22, 1982, response to Question 55.

Yet, since that time, a proposed revision in the evacuation plans for Westchester and, possibly, Rockland County, would necessitate the initiation of telephone chains to contact parents of school children

destined to be returned to their homes on an early dismissal plan before a general evacuation would or could begin. The emergency plans for Indian Point still rely largely on telephone alerting and mobilization systems, including bus drivers in Rockland County, as noted by FEMA in its Post-Exercise Assessment of April, 1983. There has been no evidence offered or received by the Board on the depth or breadth of the problem with the telephone system within the EPZ, despite the request of former Chairman Carter that such information be presented to the Board. (Limited Appearance Session, Thursday January 21, 1982, Civic Center, Peekskill, New York.)

Second, capabilities within the emergency planning zone around Indian Point to shelter the population in the event of a fast-moving accident at Indian Point have not been addressed by the NRC witnesses, despite the assertion of the Staff witnesses that sheltering might be the preferred protective action in those cases. (Testimony of Sheldon A. Schwartz, March 31, 1983, page 6.) On cross-examination, the witnesses acknowledged that no study of sheltering capabilities, site-specific to Indian Point had been undertaken or considered. (T. 12287-88 ; see, also, testimony of Davidoff, T. 11355-59.)

Third, the Licensees have failed to produce for cross-examination Mr. Harvey Harth, Director of the "Four-County Nuclear Safety Committee" to whom tear out cards for disabled and elderly persons were mailed in 1982 and will be mailed in 1983. The Board has heard repeatedly of the failure of any agency or organization to respond to persons mailing in these cards, but still has received no explanation for this failure nor hope for the future. Intervenors requested the Board to subpoena Mr. Harth on March 24, 1983, when it became apparent from Westchester County witness Mr. Kaminsky that the fate of the returned tear-off

cards was not completely known by any witness other than Mr. Harth.

(T. 11646-11650).

See also, testimony of Rockland County witness Don McGuire, T.10961-62, when intervenors attempted, but were precluded, from learning the present status of the tear-off cards in Rockland County.

Fourth, the West Branch Conservation Association requests the Board to issue a subpoena for the responsible persons at Letchworth Village and Helen Hayes Hospital, both within Rockland County and the ten-mile emergency planning zone, so that the Board can learn about the absence of planning at these special facilities. (T.). Each of these special facilities houses a large number of handicapped and ill persons, for whom planning has been inadequate. The persons responsible for those facilities are not willing, because of their employment, to testify without subpoena.

Fifth, the Board requested Westchester County to provide more complete statistics on the capability of Westchester County to remove road impediments, as reflected in the experience of the County in snowstorms over the past five or ten years. (T. 5769-5770).

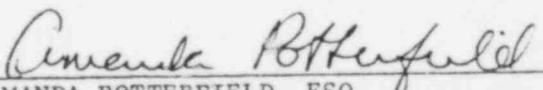
Each of these five subjects represents an important component in determining the capability of assuring the health and safety of residents and transients within the ten-mile EPZ in the event of a serious accident at Indian Point. In this investigative proceeding, where no party carries the burden of proof, the responsibility of the Board to ensure the completeness of the record in these substantial ways and on these controversial subjects must be fulfilled.

WHEREFORE, Intervenor request the Board to take the necessary steps to ensure the adequacy and accuracy of the record on emergency planning, including the following:

- a) Require the Licensees and/or the NRC Staff to present testimony concerning the commercial telephone system within the Emergency Planning Zone and particularly on its capability for handling phone calls during an emergency;
- b) Require the NRC Staff to provide to the parties and the Board information on the sheltering capabilities within the Emergency Planning Zone;
- c) Issue a subpoena requiring the presence of Harvey Harth before the Atomic Safety and Licensing Board on Friday, April 29, 1983;
- d) Issue a subpoena for the responsible persons at Letchworth Village and Helen Hayes Hospital in Rockland County;
- e) Request further testimony from Westchester County regarding the ability of county employees to remove road impediments;
- f) Permit other parties, including intervenors, to submit affidavits or other rebuttal of additional information provided on these subjects; and,
- g) Delay the deadline for submission of final findings of fact on these subjects until the record is complete.

Dated: New York, New York
April 25, 1983

For UCS, NYPIRG, WBCA, RCSE,
Parents and WESPAC


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