



NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.

5 Beekman Street • New York, N.Y. 10038 • (212) 349-6460

Offices in: Albany, Binghamton, Buffalo, Elmira, Ithaca, New York, Rochester, Syracuse, Utica, Westchester County, and Yonkers

April 6, 1981

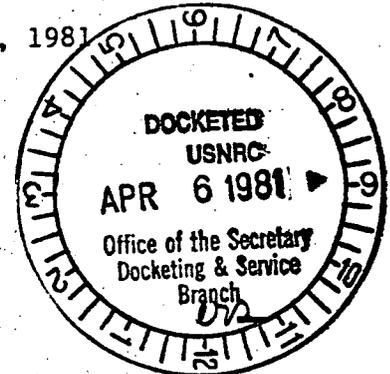
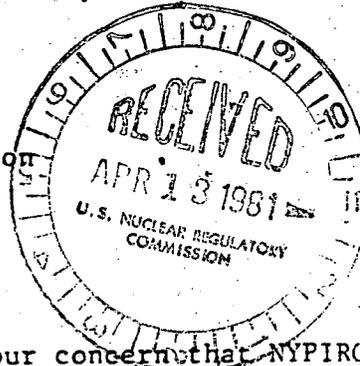
REC'D CHRMN-

7 APR 81 10: 27

Commissioners:

- Joseph M. Hendrie, Chairman
- John F. Ahearne
- Peter A. Bradford
- Victor Gilinsky

U.S. Nuclear Regulatory Commission
 1717 H Street, N.W.
 Washington, D.C. 20006



Dear Commissioners:

We are writing to express our concern that NYPIRG's letter has been referred to staff and may be treated as a 2.206 petition.

We quite intentionally did not submit our April 1st letter as a petition for referral to staff because what we are seeking is immediate relief. Unit 3 at Indian Point is already starting up and likely to be at full power within a few days. Con Edison, as you know, is still saying that they plan re-start of Unit 2 for April 15.

Mindful of the long delays encountered at every turn with regard to the U.C.S. petition of September 1979, and the Indian Point hearings, agreed to by the Commission last May (almost one year ago), we were well aware that the petition route could bring us no relief in the foreseeable future.

It was our hope that, under the circumstances -- the unique population density around Indian Point, and the imminent re-start of both reactors without implemented offsite emergency plans as required for April 1st -- the Commissioners would consider our appeal personally and expeditiously.

You must know that there is increasing local concern about the operation of Indian Point. Metropolitan New York residents are aware that (someday, perhaps) there will be investigatory hearings ordered by you (with good cause, people assume) and are wondering what is holding things up. Furthermore, recent events have heightened public anxiety. The October flooding accident at Unit 2 and the January turbine accident at Unit 3 have left people nervous about what might happen next if the reactors are returned to operation.

Con Edison's expensive and heavy-handed media campaign (ominous TV ads implying that "There Is A Choice" between Indian Point and war with the Arab nations) and legal maneuvering over their innocence with respect to the flooding accident, have greatly exacerbated the already popular view that they are a cut-throat utility that can never be trusted. You would be hard-pressed to find another entity as uniformly despised in New York City and Westchester County (with PASNY faring not much better).

810 414 0630

G

DS03
5/11

And now, with widespread public awareness that the utilities' offsite emergency plans, submitted January 2nd to FEMA, are thoroughly inadequate and deemed unrealistic and unworkable by responsible public officials, anxiety throughout the area is considerable.

Matters have not been helped by all that we have learned about NRC and FEMA priorities at this time. We had all assumed that Indian Point's emergency preparedness (or lack thereof) would have been given highest priority. Instead we learned that Salem comes first in our region -- in order to convenience a utility with a new reactor ready to go on line (millions of dollars are at stake there, we were told by an NRC staffer! operating reactors are on the back burner, with over-time attention going to near-term and new reactors).

(The atmosphere of concern has been further heightened by the disturbing April 2nd New Yorker magazine article making the rounds in New York City.)

The public was led to believe, after Three Mile Island, that emergency planning for nuclear accidents would be given the highest priority at NRC. The Final Rule promised us implemented emergency plans for operating reactors by April 1, 1981. Now we are told by some NRC and FEMA people that the April 1st deadline isn't to be taken seriously.

Con Edison and PASNY have already informed us through the media that (1) they have an implemented plan, and (2) they will be granted an extension (quite a contradiction, but we in this area are used to that kind of double-talk from them -- it's just another example of why they lack credibility with the public).

Unfortunately, NRC and FEMA Public Information people were not sounding much more credible last week about the April 1st implementation deadline.

"An extension will be granted....although the regulations state that a plan must be implemented by April 1st, the Webster Dictionary definition of implemented, or carried out, does not apply in this case....implemented means a plan has been written..."

- - NRC Public Information
spokeswoman, Susan Gagner

"The Federal Emergency Management Agency has not even received the proposal..../and/....isn't sure when the plan must be implemented..."

- - FEMA Public Information
spokeswoman, Mary Ann Jackson

Alice would have felt right at home in this semantic wonderland.

"When I use a word, it means just what I choose it to mean..."

- - Humpty Dumpty to Alice in
Through the Looking Glass
by Lewis Carroll

By the way, Webster's Dictionary gives the following definition of 'implemented':
"To give practical effect to and insure of actual fulfillment by concrete measures."

By anybody's definition of the word, there is no 'implemented' offsite emergency plan for Indian Point, and NYPIRG considers further operation of the reactors there to be a clear violation of the intent of the Commission's Final Rule on Emergency Planning.

If the people living in southern New York, northern New Jersey and western Connecticut are not to lose faith entirely, and if the Commission takes seriously its mandate to protect us (and our right to that protection), it must -- once and for all -- confront the intolerable situation at Indian Point: two reactors operated by powerful, mistrusted utilities, in the heart of the most densely populated region of the country. The Commission cannot continue to stall and avoid its direct responsibility to protect the public. You must act now -- not later, not some day -- to guarantee our safety.

You can determine for yourselves, in one minute, if you have not done so already, that there is indeed no implemented offsite emergency plan for Indian Point (nor will there be one any time in the near future).

You have a rule which provides you with all the authority you need to act immediately (you needn't wait 4 months or 4 days):

"In any case where the Commission believes that the public health, safety, or interest so requires, the plant will be required to shut down immediately."

-- Final Rule on Emergency Planning
Federal Register, August 19, 1981

We plead with you to take our appeal under consideration yourselves, without delay and before the re-start of Unit 3 (and then Unit 2). If you will not act to carry out your mandate to put public safety above all other considerations, and to enforce your Emergency Planning Rule for the most densely populated site in the nation, how can the public expect protection in the future -- or a fair investigation when and if that ever begins?

Respectfully,

Joan Holt
Joan Holt
Project Director

cc: members of the New York
Congressional delegation,
New York State and local
officials, and the local
media