



NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.

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

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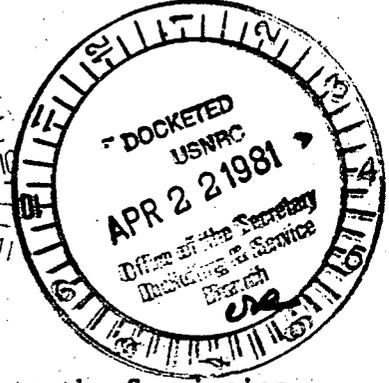
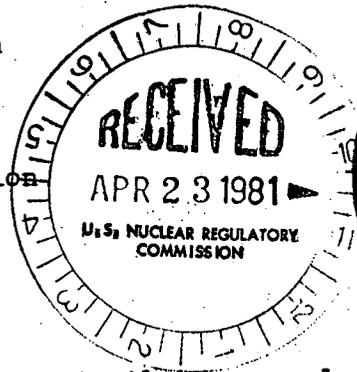
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April 21, 1981

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 have received no response to our April 1st appeal to the Commission for immediate relief from an intolerable threat to the public: the continued operation of Indian Point without an implemented emergency plan.

At the April 7, 1981 Commission meeting, your General Counsel clearly stated: "When you say that April 1 provides a target for the compliance by the states and the utilities, it does not; it provides a requirement." (our emphasis - see transcript of meeting, p. 35).

Furthermore, Mr. Bickwit remarked -- prophetically, we are unhappy to note -- "It never has followed that when a requirement of the Commission is not being met then an enforcement action follows automatically." (transcript, p. 44).

We believe the Commission and the staff is side-stepping its responsibility to enforce its own requirement and we appeal once again for immediate suspension in accordance with the Emergency Planning Rule: "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."

In setting the April 1st deadline, the Commission clearly intended that implementation of emergency plans -- whether adequate or deficient -- was to precede the review, testing, and approval of such plans. The Commission recognized that the review process could take a considerable amount of time to accomplish for all operating reactors and thus decided that plans must be implemented first, i.e. by April 1, 1981.

Our understanding of the Emergency Planning Rule is that the 120-day clock applies to deficiencies in the content or workability of plans identified during the review process, and not either to the January 2nd submission date or the April 1st implementation requirement. If the Commission takes no further action beyond starting the 120-day clock, it will be enforcing one part of its Rule (i.e., deficiencies) while ignoring another (i.e., the April 1st implementation requirement). If the Commission did not intend to enforce compliance with the April 1st requirement, why was it included in the Rule?

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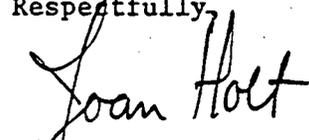
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Right now, Indian Point is in clear violation of the April 1st implementation requirement. The problems standing in the way of implementation are not going to be resolved easily or quickly. The history of New York State politics and governmental operations (especially with regard to the decades-old home-vs.-state rule conflict) indicates that jurisdictional/authority problems cannot be expected to be resolved any time soon (regardless of reassurances to the contrary which State officials may have given to Mr. Stello). Furthermore, legislation will not eliminate specific problems relating to population density, road systems, and proximity to New York City -- issues of major concern to local officials in Westchester and Rockland Counties. The reality is that an emergency plan for Indian Point is not likely to be implemented within the foreseeable future.

If you decide to permit further operation of Indian Point -- for one or for 120 days -- you will, in effect, be deciding to accept non-compliance with a major safety requirement: that there be an implemented plan by April 1, 1981. Though this would surprise no one -- it not being the first time the Commission has failed to enforce its own regulations -- NYPIRG believes it would be a major violation of your responsibility and your mandate to protect the public.

The Commission's record of delay and avoidance with respect to Indian Point raises grave doubts in the minds of the public about its intent to confront and deal with the special problems posed by this plant. If a safety requirement at Indian Point, the most densely populated reactor site in the country, is not scrupulously and strictly enforced, how can the public have any confidence whatsoever about the enforcement of other safety requirements?

Respectfully,



Joan Holt
Project Director

RESOLUTION CALLING UPON THE MAYOR TO INSTRUCT THE APPROPRIATE CITY AGENCIES TO PREPARE SPECIFIC EMERGENCY PLANS TO PROTECT THE RESIDENTS OF NEW YORK CITY IN THE EVENT OF A MAJOR ACCIDENT AT THE INDIAN POINT NUCLEAR PLANTS SUBMITTED BY COUNCIL MEMBER RUTH MESSINGER (RESOLUTION #1494)

- WHEREAS, The three Indian Point nuclear reactors, located 25 miles north of New York City, pose a potential threat to the health and safety of 19 million people living within 50 miles of the plants, including all New York City residents; and
- WHEREAS, Portions of New York City are within 50 miles of two other nuclear plants, Oyster Creek in Toms River, New Jersey (in operation), and Shoreham on Long Island (in construction); and
- WHEREAS, The March, 1979 accident at the Three Mile Island nuclear plant served to alert the country of the possibility of major accidents at nuclear generating stations; and
- WHEREAS, The Kemeny Commission, Rogovin, and Congressional investigations of the accident all emphasized the lack of emergency preparedness at Three Mile Island and the need for emergency plans to protect the public in the event of future nuclear plant accidents; and
- WHEREAS, The Nuclear Regulatory Commission has enunciated a new safety policy to the effect that, henceforth, emergency planning will be considered of equal importance to plant design and siting; and
- WHEREAS, In August, 1980, the Nuclear Regulatory Commission published new regulations requiring emergency planning for 10- and 50-mile Emergency Planning Zones (EPZs) around nuclear power plants; and
- WHEREAS, These regulations require sheltering and evacuation plans for the 10-mile EPZ, but only the monitoring of ingestion substances (fresh foodstuffs, milk and water) for the 50-mile EPZ, requiring no further emergency procedures to protect the public beyond 10 miles from direct radiation exposure; and
- WHEREAS, In the aftermath of a major radiation release from Indian Point, wind and weather conditions could result in direct radiation exposure of New York City residents in excess of Environmental Protection Agency dose guidelines, which could cause large numbers of thyroid tumors, cancers, genetic effects, and even early fatalities; and
- WHEREAS, A major accident at Indian Point could necessitate emergency measures for sheltering New York City residents from dangerous levels of radiation and later evacuating them out of contaminated sections of the City; and
- WHEREAS, any evacuation called for regions within 10 miles of Indian Point could reasonably be expected to trigger panic and extensive voluntary self-evacuation throughout the metropolitan region, including from New York City -- even if there were no radiation threat to our city; and
- WHEREAS, New York City might have to serve as a reception center for evacuees from areas closer to the plant, requiring shelter, food, and medical care; and

WHEREAS, After the accident at Three Mile Island, Robert Ryan, then Director of State Programs at the Nuclear Regulatory Commission, stated:

"...it is insane to have a 3-unit reactor on the Hudson River in Westchester County, 40 miles from Times Square, 20 miles from the Bronx. It's a nightmare from the point of view of emergency preparedness.

"Everybody says what a terrible situation we had at Three Mile Island, and I agree, but can you imagine what it would have been if it had been at Indian Point."

and

WHEREAS, At present, New York City has no specific emergency plans for coping with an accident at Indian Point; and

WHEREAS, Prevention of panic and protection of public health and safety for New York City residents necessitates extensive advance planning and public education, specific sheltering and relocation procedures, and possibly a potassium iodide distribution program -- none of which has to date been undertaken by our city; and

WHEREAS, It is the clear responsibility of the Council of the City of New York and the Mayor to protect the health and safety of New York City residents; therefore, be it

RESOLVED, That the Council of the City of New York requests the Mayor to instruct the Office of Civil Preparedness, the Bureau for Radiation Control, the Department of Health, and other appropriate agencies to begin immediately to prepare sheltering and relocation plans, advance public education programs, and decontamination procedures to deal with potential radiation fall-out resulting from an accident at Indian Point (or other nuclear power plants near our city) affecting all or part of New York City.

(THIS RESOLUTION WAS UNANIMOUSLY PASSED BY THE CITY COUNCIL ON APRIL 14, 1981).