

BELLA S. ABZUG
20TH DISTRICT, NEW YORK

COMMITTEES:
GOVERNMENT OPERATIONS
PUBLIC WORKS

Congress of the United States
House of Representatives
Washington, D.C. 20515

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NEW YORK, N.Y. 10025

February 11, 1976

Mr. William Anders, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Anders:

In light of charges made by Robert Pollard, NRC project manager, I urge that you suspend licensing procedures for Indian Point No. 3 pending a state investigation.

In addition, I urge you to immediately release the nuclear safety information that I requested under the Freedom of Information Act on January 20.

I enclose a full statement of my views on the situation regarding Indian Point No. 3, and an explanation of the above requests.

Sincerely,

Bella S. Abzug
Bella S. Abzug
Member of Congress

BSA/cl

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PDR ADOCK 05000286
U PDR

Statement by Rep. Bella S. Abzug concerning safety dangers at Indian Point atomic power plants

February 10, 1976

The numerous dangers inherent in operating nuclear power plants are so apparent that even the people most committed to nuclear power are risking their reputations and their livelihoods to force long-suppressed information into view.

Now we have a charge by Robert Pollard, project manager for safety evaluations at the Nuclear Regulatory Commission, that the Indian Point nuclear plants threaten the health and safety of millions of people in the Greater New York area. Because of the utmost seriousness of these revelations, Governor Carey and other State officials have an immediate responsibility to protect the people living within the radiation reach of these plants.

I have been in close contact with Robert Pollard since mid-January. After he submitted his resignation at that time, officials at the NRC denied the importance of his charges and immediately limited the scope of his inquiry. Initially, Mr. Pollard had been promised access to all files necessary to substantiate his charges of unexamined safety problems, both at Indian Point No. 2 and No. 3 and at many other nuclear reactors throughout the nation. An attempt was made to restrict the topics of his final report. Mr. Pollard's attorney then consulted with the House Government Operations Subcommittee on Information and Individual Rights, which I chair. After the Subcommittee counsel telephoned Peter L. Strauss (counsel for the NRC), Mr. Pollard was allowed greater access to NRC files for the remainder of his period of employment.

However, Mr. Pollard has charged that crucial evidence of the agency's withholding of information on safety problems exists in the NRC internal files. On January 30, citing the provisions of the Freedom of Information Act, I formally requested the NRC to provide me with the following material:

- 1) The correspondence between Mr. Pollard, Mr. William A. Anders, chairman of the NRC, and Mr. Gary Simpson (Mr. Pollard's attorney) concerning Mr. Pollard's access to NRC files for the purpose of substantiating his charges.
- 2) Mr. Pollard's January 23 interim report listing unresolved safety problems at Indian Point.
- 3) The December 1975 "Technical Safety Activities Report," and previous issues of this report issued since December 1974.

I have been informed by Mr. Pollard that this third item is an updated compendium of continuing unresolved nuclear safety problems, with roughly one problem on each of its several hundred pages. Release of this quarterly publication will finally demonstrate the extent of the NRC's willingness to license plants now and ask questions about safety later.

Since all of this material is either in published form, or is correspondence involving Mr. Pollard, and none could under the most extreme definition be called classified national security information, I see no reason why this information should not be released immediately, rather than within the 30 days provided by the statute.

In addition, Mr. Pollard, whose formal term of employment ends February 13, should be allowed access to files at the NRC headquarters for as long as he requires to produce a substantive and comprehensive documentation of his charges.

As for the specifics of the Indian Point nuclear plants, Mr. Pollard has cited three principal dangers:

- 1) Lack of separation between electrical and instrument cables which jeopardize emergency backup systems;
- 2) Problems with backup diesel generating facilities;
- 3) Danger of overloaded pumps and turbines, leading to the possibility that a loosened flywheel could turn into a high-velocity missile, puncturing the nuclear container and releasing radioactive material into the atmosphere.

Mr. Pollard's focusing on these three areas does not preclude the existence of safety problems in other systems which he did not examine at these plants.

(MORE)

Until these questions have been resolved, Indian Point No. 2 should be shut down, and Indian Point No. 3 should not be licensed for operation.

I have questioned the safety and the economics of these plants since their inception. Beginning in April 1975, I attempted to block the sale of Indian Point No. 3 to the Power Authority of the State of New York (PASNY). In general, the State authorities involved took Con Edison's word about this plant, and they failed to consider my objections, as well as those of many other elected officials and concerned citizens. On January 19, before Mr. Pollard's story became known, I called upon the State Legislative Commission on Energy Systems to investigate the circumstances surrounding the sale of this plant. The need for such an investigation is even greater at this time.

Con Edison is now operating Indian Point No. 3 in its pre-operational phases under PASNY supervision. Con Edison has already applied to the Nuclear Regulatory Commission for a "full-term, full-power license" for Indian Point No. 3. At some time after the plant becomes operative, PASNY will apply for a license to operate the plant. Several problems in this transfer are still unknown to the public, including the reluctance of insurers to write separate insurance policies for three adjacent nuclear plants (Indian Point No. 3 is still shut down as unsafe) operated under different authorities. And this spring, the glossed-over problem of dangers from nearby geological faults will again be examined.

Therefore, I call upon the NRC and PASNY to suspend the application for operating licenses for Indian Point No. 3. And I call upon Con Edison to close down Indian Point No. 2, all pending an investigation of all charges by an independent board of scientists and technicians. I urge the Governor to establish such a board immediately. Mr. Pollard is not the only individual with serious charges. Last week, three General Electric senior engineers resigned, asserting that nuclear power plants could not be built safely. And it is rumored that a number of Con Edison employees at Indian Point have terminated their employment in recent years under similar circumstances, but with no public attention.

Con Edison, which was able to sell the No. 3 plant to the State by pleading financial hardship, is once again as robust as it was before it suspended its dividends. The price of its stock is back at the level where it was before taking this dramatic action for the benefit of the State Legislature and the Public Service Commission. PASNY has paid Con Edison \$354 million so far for Indian Point No. 3. The total eventual cost, including financing, to the state agency, may reach \$600 million before the plant goes into operation. At this time, it is essential that Con Edison and PASNY renegotiate their purchase agreement, so that, in the event the plant never goes into operation, and it can be demonstrated either that Con Edison neglected important safety considerations or concealed them from State officials, the utility will return a substantial portion of the funds to the State.

I am today writing to Governor Carey, Chairman Fitzpatrick of PASNY, Chairman Anders of the NRC, and Chairman Luce of Con Edison, concerning the matters I have raised in this statement.

#

1. **Paula S. Abzug**

CONTROL NUMBER

9893

FILE LOCAT

DATE OF DOCUMENT

2-11-76

ACTION COMPLETION DEADLINE

2-26-76 to PDR

ACTION PROCESSING DATES

Acknowledged _____

Interim Reply _____

Final _____

PREPARE FOR SIGNATURE OF:

☒ Chairman

Director of Regulation

TO

Chairman Anders

DESCRIPTION

Ltr. ☒ Original

☐ Copy

☐ Other

Urges suspension of licensing procedures for Indian Point No. 3 in light of charges made by Pollard & urges immediate release of information requested under FOIA.

REMARKS

CC handling previous request under FOIA.

PDR?

SECY 76-1174

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Wache f/action

2-18-76

Cys: **Conrad**

Ditro

Zehn

Care

Shaper

Felton

Harrie, PA

☒ **Doc # No. 50-286**

PDR

Copy sent PDR

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

FROM Rep. Edward I. Koch	CONTROL NUMBER 9804	FILE LOCATION
	DATE OF DOCUMENT 2-11-76	ACTION COMPLETION DEADLINE 2-26-76 to EDO
TO Chairman Anders	ACTION PROCESSING DATES Acknowledged _____ Interim Reply _____ Final _____	PREPARE FOR SIGNATURE OF: <input checked="" type="checkbox"/> Chairman _____ Director of Regulation

DESCRIPTION Ltr. <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other		REMARKS LPDR?
Requests answers to questions raised by Pollard on Indian Point 2 and 3 SECY 76-1173		
REFERRED TO Rusche f/action	DATE 2-18-76	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____ Cys: Gossick Docket Nos. 50-247 Dircks PDR <u>286</u> Rehm Case Shapar Harris, PA Copy sent PDR

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

No. **76- 1173**

Logging Date 2/13/76

c.o.b.

TO: ☐ Commissioner _____ Date _____
☒ Exec. Dir./Oper. ☐ Gen. Counsel
☐ Cong. Liaison ☐ Solicitor
☐ Public Affairs ☐ Secretary
☐ _____

Incoming: Rep. Edward I. Koch
From: U.S. House of Representatives
Washington, D.C. 20515
To: Chairman Anders Date 2/11/76
Subject: Questions concerning the charges
by Robert D. Pollard

☐ Prepare reply for signature of:

X Chairman

☐ Commissioner _____

☐ EDO, GC, CL, SOL, PA, SECY

☐ Signature block omitted

☒ Return original of incoming with response

DATE DUE COMMISSION: March 1, 1976

☐ For direct reply*

☐ For appropriate action

☐ For information

☐ For recommendation

Rec'd Off. Dir.
Date 2/18/76
Time 9:30

Remarks: Cy of Incoming to Chairman, Cmrs., OCA,
OPE, OGC, OIA. OCA to prepare acknowledgement

RF

For the Commission:

*Send three (3) copies of reply to Secy Mail Facility

NRC-62

ACTION SLIP

EDWARD I. KOCH
18TH DISTRICT, NEW YORK

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
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TRANSPORTATION
DISTRICT OF COLUMBIA

Congress of the United States
House of Representatives
Washington, D.C. 20515

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February 11, 1976

Mr. William A. Anders, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

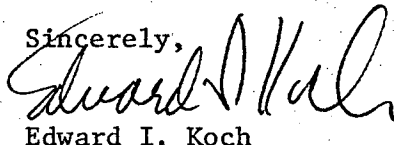
Dear Mr. Anders:

I am concerned about the charges of NRC Project Manager, Robert D. Pollard, as reported in the New York Times of February 10, 1976. Therefore, I would appreciate your response to each of his general and specific charges below:

1. "The Indian Point plants have been badly designed and constructed and are susceptible to accidents that could cause large-scale loss of life and other radiation injuries, such as cancers and birth defects."
2. "The magnitude of the hazards associated with these plants has been suppressed by the Government because the release of such information might cause great public opposition to their operation."
3. The No. 2 reactor had a "serious design defect - submerged valves - that could render required safety systems inoperable during an accident."
4. Valves on the No. 3 plant "which are supposed to prevent escape of radioactivity during accidents" were defective.
5. Electrical systems on the No. 2 plant "suffer from the same fundamental weaknesses as those which allowed a fire last year at the Brown's Ferry plant in Alabama to paralyze much of that plant's vital safety apparatus."

I look forward to an early reply. All the best.

Sincerely,



Edward I. Koch

EIK:mjg

FROM

Public Interest Research Group
Louis J. Sirico, Jr.

CONTROL NUMBER

9852

FILE LOCATION

DATE OF DOCUMENT
2/6/76

ACTION COMPLETION DEADLINE
3/5/76

TO

Rusche

ACTION PROCESSING DATES

Acknowledged _____

Interim Reply _____

Final _____

PREPARE FOR SIGNATURE OF:

Chairman_____
Director of Regulation
X CaseDESCRIPTION Ltr ☐ Original☒ Copy☐ Other

Request for license suspension for Indian Point 1, 2
and 3

Encl: Petition for Order to Show Cause

REMARKS

ELD has completed its portion
of this request.

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE
RECOMMENDED? _____

Rusche f/action

2/26/76

Cys: Case

Shapar

Docket Files (50-3

PDR 50-247

LPDR 50-286)

Copy sent PDR

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

RECEIVED

PIRG

February 6, 1976

1976 FEB 6 PM 4 53

Bernard C. Rusche, Director
Office of Nuclear Reactor Regulation
Washington, D.C. 20555

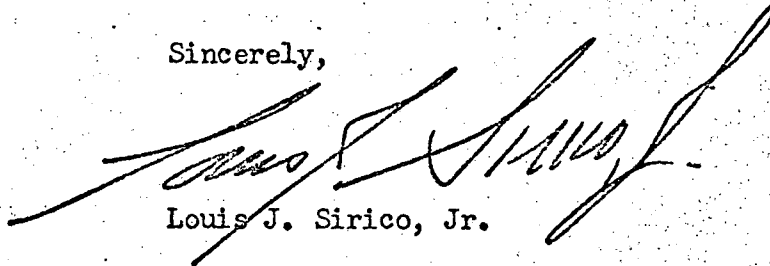
USNRC
000-BETHESDA

Dear Mr. Rusche:

On behalf of the Public Interest Research Group and the New York Public Interest Research Group, I am submitting the enclosed Petition for Order to Show Cause. The petition deals with violations of Commission regulations concerning emergency planning for nuclear reactors at New York's Indian Point facilities.

Any communications concerning the petition may be directed to my office.

Sincerely,



Louis J. Sirico, Jr.



Before the
NUCLEAR REGULATORY COMMISSION

Washington, D.C.

In the matter of violations of Commission regulations concerning emergency planning for nuclear reactors at Indian Point, New York.

PETITION FOR ORDER TO SHOW CAUSE

Pursuant to 10 C.F.R. sec. 2.206, 2.202, and 50.100, the Public Interest Research Group (PIRG) and the New York Public Interest Research Group (NYPIRG) petition the Commission to issue a show cause order against the Consolidated Edison Company and the Power Authority of the State of New York (PASNY). Con Ed is licensee of the Indian Point I and II nuclear reactors in Westchester County, New York. It and PASNY are co-licensses of Indian Point III.

As we demonstrate below, plans for coping with nuclear accidents at Indian Point represent some of the worst nuclear emergency planning in the country. Though any nuclear incident that requires public safety measures would wreak havoc, it is inexcusable to compound the tragedy by refusing to engage in sound steps to protect the public health and safety. Consolidated Edison, licensee of the Indian Point facilities, has filed with the Commission emergency plans incorporating official New York State emergency plans so inadequate that they fail to meet the Commission's minimum requirements for such plans and seriously jeopardize the safety of citizens living and working near the reactors. As co-licensee for Indian Point III, PASNY has not remedied the violations and must therefore assume equal responsibility for them.

Though the Commission staff has been aware of these serious deficiencies, the Commission has failed to take any remedial steps. PIRG and NYPIRG now formally request the Commission to require the licensees to show cause why their licenses should not be suspended until emergency planning satisfies existing regulatory requirements. We further seek the imposition of a fine on the licensees for violating Commission regulations and misrepresenting to the Commission the adequacy of existing emergency plans.

THE PETITIONERS

PIRG is a public interest group seeking to advance the public interest in various policy areas, including nuclear power and the use of safe energy sources. It also serves as a clearinghouse and sometimes as a representative for student supported Public Interest Groups (PIRGs) and citizen supported Citizen Action Groups (CAGs) throughout the country. It has participated in proceedings before this Commission.

NYPIRG is a student supported public interest group seeking to further the public interest in a number of policy areas including nuclear power and the safe use of energy sources. Its approximately 165,000 contributing members include many that reside and travel in proximity to the Indian Point facilities. NYPIRG has participated in proceedings before this Commission and before state level agencies concerned with questions of nuclear power.

VIOLATIONS OF COMMISSION RULES AND REGULATIONS

Regulatory Requirements

Appendix E of Part 50 of the Commission's regulations sets out the minimum requirements for the emergency plans a licensee must describe in its Preliminary Safety Analysis Report and submit as part of

its Final Safety Analysis Report. Appendix E, section III, specifies the content of these emergency plans.

the plans submitted must include a description of the elements set out in section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect the public health and safety and prevent damage to property.

Here, the licensees' submission pursuant to section IV fails to provide the "reasonable assurance" the Commission's regulations require.

Section IV(D), for example, requires emergency plans to contain:

Procedures for notifying, and agreements reached, with local, state, and federal officials and agencies for the early warning of the public and for public evacuation or other protective measures should warning, evacuation, or other protective measures become necessary or desirable, including identification of the principal officials, by title and agency.

Thus mere reference to state plans and appropriate state officials is inadequate unless the state plans and the agreements reached with officials provide reasonable assurance for the protection of public health and safety and the prevention of property damage. In the present case, that reasonable insurance is lacking. The same analysis and conclusion applies to other subsections of Section IV.

We are not here asserting that the Commission has the authority to order New York state officials to alter their emergency plans. Rather, we maintain that the Commission cannot permit a nuclear plant to operate in a state where licensee-state plans and agreements are inadequate to provide the reasonable assurance of appropriate emergency measures--no more than the Commission could permit the siting of a

plant atop an active geological fault. We further argue that in view of Appendix E, section III, a licensee submitting its Final Safety Analysis Report represents to the Commission that any referenced or incorporated state plans or state-licensee agreements must provide the reasonable assurance of appropriate emergency measures the Commission requires and that where such referenced plans and agreements are inadequate, the licensee has engaged in a misrepresentation to the Commission.

In the case of Indian Point, the licensees' final Safety Analysis Report incorporates by reference New York state plans. As demonstrated below, the referenced plans are absolutely inadequate.

The licensees' explicit reliance on them violates Commission regulations.

The Failure of Emergency Planning at Indian Point.

No plans for serious accidents--The most severe failing is the absolute lack of planning for anything but a small accident. The licensees rely upon the New York State Emergency Plan for Major Radiation Accidents Involving Nuclear Facilities (Emergency Plan) (incorporated by reference in licensee's FSAR Supp. 10, Jan. 19, 1973 (Q12.17a)). This plan is designed to respond to an accident only 10% of the Design Basis Accident used in setting 10 C.F.R. Part 100 siting criteria. The state planners have steadfastly refused to correct the insufficiency.

Attached is correspondence between Harold E. Collins, Emergency Preparedness, NRC Office of International and State Programs (formerly AEC Office of Government Liaison) and Sherwood Davies, Director, Bureau of Radiological Health, New York State Department of Health. The

correspondence discusses New York state plan inadequacies partially in light of "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities," AEC, Dec. 1, 1974 Revision (WASH 1293).

According to WASH 1293:

The AEC considers that it is reasonable, for purposes of emergency planning relative to nuclear facilities, to prepare for the potential consequences of accidents of severity up to and including the most serious design basis accident analyzed for siting purposes. (A at 4)

The Sherwood letters of Jan. 6, 1975 and April 22, 1975, however, document the state's stubborn adherence to 10% Design Basis Accident planning.

The New York state planning effort, then, is plainly unsatisfactory by WASH 1293 criteria.

As the March 27, 1975 Collins letter states, "It was, and is, our view that there is an inevitable unpredictability about accidents, and that emergency plans should be developed to respond to the entire potential spectrum of accidents." This policy corresponds with current Commission policy statements. As proposed Regulatory Guide 1.101 states, "An important element of emergency planning for nuclear power plants is the recognition of a need to prepare to cope with a very broad spectrum of potential consequences." (Emergency Planning for Nuclear Power Plants at 1.101-1 (Nov. 1975); see also sec. 4.1, 4.2). In view of Commission policy, state and, by incorporation, licensee planning for a 10% Design Basis Accident cannot possibly satisfy the requirements of Appendix E (III) & (IV) in providing reasonable assurance that public health and safety and property will be protected. In his April 22, 1975 letter, Mr. Davies attempts to sidestep the issue by alleging that the

state plans "cover the complete spectrum of accidents...." but that "our basic differences stem from the question of what details must be incorporated in writing in an emergency plan as opposed to amply considering them in the preparation and formulation of the plan." As the May 9, 1975 Collins letter makes clear, this sleight-of-hand is unsatisfactory:

Since it is our position that all of the WASH 1293 elements are 'essential elements,' it is also our position that each element should be addressed, in writing, in the appropriate emergency plans or other appropriate related documents developed by the State and its local government. Unless this is done, there is no effective way (short of passing judgment on oral or written rhetoric) for the NRC, or the other involved Federal agencies to render an objective evaluation of what, for the most part, are the operational and technical elements of an effective plan.

The state plans, then, fail to provide the requisite assurance that appropriate public health and safety measures can and will be taken. Compliance with Appendix E (III & IV) is rendered impossible. The detailed functional description of state agencies responsible for coping with larger incidents--required by Sec. IV (A)--and procedures for notifying and agreements with government agencies and officials dealing with larger incidents--required by Sec. IV (D)--are particularly lacking.

Badly confused division of responsibilities among state agencies--

The vague, conflicting allocation of operational duties among governmental agencies suggests a satire on bureaucratic thinking. As the Nov. 22, 1974 Collins letter states:

It is difficult to determine who is in charge of response operations at any given time. There also appears to be a lack of coordination between the many involved State and local agencies. Too much reliance appears to be made on telephone contacts between various groups before definitive actions can be taken.

We also believe the emergency plans, as written, do not provide the guidance necessary to allow a timely and effective response to a radiological emergency by State and local authorities. There does not appear to be a clear 'concept of operations.'

In contrast, Appendix E(IV) (A) requires a functional description of the state agencies responsible for coping with emergencies, including a delineation "in which specific authorities, responsibilities, and duties are defined and assigned, and the means of notification in the event of an emergency." In its Final Safety Analysis Report Supplement 10 (Jan. 19, 1973) (Q12.17a), the licensee incorporates by reference the two relevant New York state plans -- "Emergency Plan for Major Radiation Accidents Involving Nuclear Facilities," New York State Department of Health (Aug. 12, 1972) (Emergency Plan) discussed above, and "Specific Operating Procedures, Indian Point Station," (June 30, 1971) (hereinafter SOP), the latter detailing specific use of the Emergency Plan. Both state plans define responsibilities in inexcusably vague and confusing terms. For example, under the Emergency Plan, the state Department of Transportation is to "coordinate the assistance" of other agencies. (Sec. 3 at 2). However, under the same plan, the same Department "may be requested to assist state and local agencies operationally responsible in specific kinds of natural disaster, including radiation accidents, to coordinate the assistance to be furnished in support of state and local disaster efforts." (Sec. 5 at 3-4) Thus, one Department not only coordinates agency efforts, it also may be requested to assist in coordinating

those efforts. This is indeed a very puzzling arrangement. Moreover, the state Department of Health is "responsible for initiating protective actions." (Sec. 3 at 2) A distinction between this vaguely defined initiating function and the Department of Transportation's equally general coordination and assist coordination functions is exceedingly elusive.

This ill defined allocation of functions could have serious consequences since it suggests an accident scenario in which the operational leadership is fragmented and confused. The Emergency Plan states that a State Emergency Operations Center will be set up in Albany, but fails to further describe its composition or function. (at A-3) The SOP, however, indicates this Center has overall authority. (Definitions at 1, Procedures at 1-3)

Minimal compliance with Sec. IV(A) is also rendered impossible by the state SOP's emergency classification system. (Procedures at 1-3) Alert A covers the 10-30 rad site boundary dose rate. Alert C covers "substantially more than 30 rad;" according to a footnote, "This means some multiple of 30." There is an obvious gap, then, between Alert A and Alert C. Moreover, under the plan, evacuation does not even receive consideration until an Alert C condition is reached. In contrast, the Environmental Protection Agency recommends mandatory evacuation at 5 whole body rems. (Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, Office of Radiation Programs, at 5.8, Sept. 1975, EPA-520/1-75-001). The disparity demonstrates a total failure to deal with reality. These inadequate plans, as incorporated in the licensee's FSAR, plainly fail to meet the minimum require-

Unsatisfactory procedures for notifying agencies and officials--

Section IV (D) requires procedures for notifying, and agreements reached with, government officials and agencies concerning public warning, evacuation, and other protective measures, including identification of the principal officials by title and agency. Though the licensee plan calls for notifying the Westchester Department of Health and the police departments and fire departments in Verplanck and Buchanan, (FSAR, Supp. 17, Radiation Contingency Plan, at Sec. 5.2, April 27, 1973) the agreements reached with these local offices are lacking and the agency functions are left unclear. The state Emergency Plan (at 5) and the licensee plan (FSAR, Supp. 17, Radiation Contingency Plan, at Sec. 7.3.1.4) both list the State Police as the primary agency to notify; however, the licensee plan fails to include any letter of agreement with that department. Moreover, the state SOP calls for primary notification of the state Emergency Operations Center rather than the State Police (Procedures at 1). This tangle cannot possibly pass muster.

Inadequate procedures for emergency drills-- Section IV(I) requires the licensee to submit provisions for periodic emergency drills that include "other persons (other than licensee employees) whose assistance may be needed in the event of a radiation emergency." The licensee plan, however, ignores the need for participation by nonemployees. According to FSAR Supplement 2, Amendment 16, April 3, 1972 (Q12.12), "Local Contingency and Site Contingency radiation drills will be conducted... these drills will be planned so that they encompass all aspects of the contingency plan and require all site organizations to be fully involved in the drill."

Though it is probably less demanding to conduct a drill that does not include "outsiders," it is not what the Commission requires.

Other deficiencies--In addition to these specific regulatory violations, numerous other failings render the plan inadequate to provide the reasonable assurance of appropriate emergency measures that Appendix E (III) requires. The licensee plan lacks much of the information called for by Regulatory Guide 1.70.14, "Information for Safety Analysis Reports Emergency Planning" (Dec. 1974). It fails to describe the expected accident assessment time, to estimate the time required to notify the population at risk and the means assumed for such estimate as well as to estimate evacuation times. And, as previously discussed, it does not clearly and functionally identify the agency or agencies responsible for providing direction to the population at risk.

The licensee plan, including the incorporated state plans, fails to even mention provisions for medical treatment of the civilian population. The insufficiency of emergency planning is especially severe in light of Indian Point's proximity to extremely high population density areas. As Westchester County Executive Alfred DelBello has testified:

As far as we know, no other nuclear power plant in the Country is situated at a site as densely populated as the Westchester area that houses the Indian Point facilities. 66,000 people live within a five mile radius of Indian Point; 90,000 people live within a 20 mile radius of the plant;

16 million people live within 40 miles of the facility. Within the critical five-mile radius area, there are two hospitals, one of which is a psychiatric hospital with approximately 1,100 patients. There are three prisons in that critical area, one of which is a maximum security facility.

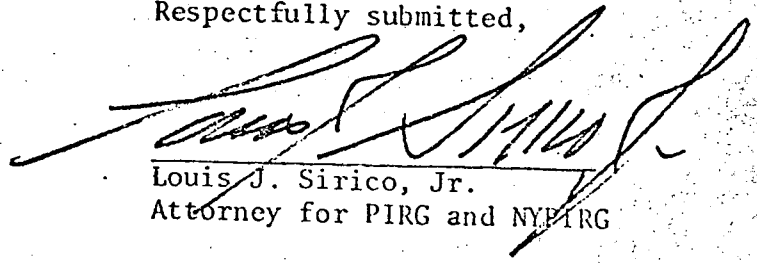
Testimony before the New York State Power Authority on Acquisition of Indian Point III, May 22, 1975 (attached). As his complete testimony makes clear, current emergency planning provisions are entirely inadequate.

ACTION REQUESTED

Petitioners therefore request that the Commission require the licensees to show cause:

1. Why the licenses of the Indian Point nuclear facilities should not be suspended until all state and licensee plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and prevent damage to property and the requirements of Part 50, Appendix E, sections III and IV of the Commission's regulations are fully satisfied.
2. Why the licensees should not be fined for failing to comply with Part 50, Appendix E, sections III and IV of the Commission's regulations and for misrepresenting to the Commission that all emergency plans relating to their plants provide reasonable assurance that appropriate measures can and will be taken to protect public health and safety and prevent damage to property.

Respectfully submitted,



Louis J. Sirico, Jr.
Attorney for PIRG and NYPIRG

Of counsel:
Ronald Lanoue

Public Interest Research Group
1832 M Street, N.W., Suite 101
Washington, D.C. 20036
(202) 833-3935

February 6, 1976

Statement

by

Alfred B. DelBello, County Executive

Westchester County, New York

before the

New York State Power Authority

on the subject of

Acquisition of Indian Point III

Thursday, May 22

Hendrick Hudson High School

Buchanan, New York

completion and operation of Indian Point III by the State Power Authority.

Westchester County government has, by necessity, front-line responsibility in the event of a nuclear accident at the Indian Point plants. No serious accident has ever occurred in the nuclear power industry, however this country has had only a few years of operating experience with a relatively small number of nuclear reactors. Therefore, although the probability of a serious accident is estimated to be small, it is obvious that we must prepare for the possibility of an event whereby radiation would be released from the Indian Point facilities.

A study for what was formerly the Atomic Energy Commission, now the Nuclear Regulatory Commission, was conducted by Norman C. Rasmussen of M.I.T. and made public last August. This study concluded that a reactor accident was highly unlikely and that the consequences of such an accident were less serious than had been suggested by earlier Commission studies. Dr. Rasmussen assumed that there would be a successful evacuation of surrounding people when he projected a low level of casualties in a nuclear emergency. He based his conclusion on evacuation of a twenty-mile square area around nuclear plants in the event of radiation release.

As far as we know, no other nuclear power plant in the Country is situated at a site as densely populated as the Westchester area that houses the Indian Point facilities. 66,000 people live within a five-mile radius of Indian Point; 90,000 people live within a 20 mile radius of the plant; 16 million people live within 40 miles of the facility. Within the critical five-mile radius area, there are two

psychiatric hospital with approximately

1,100 patients. There are three prisons in that critical area, one of which is a maximum security facility.

It is clear that it would be impossible to evacuate this section of the County in a manner recommended by the Rasmussen Report. The area is so densely populated that there would be more risk of radiation exposure in an evacuation than there would be if people remained in place.

Clearly, there are other safety procedures that must be designed in order to protect the population affected by nuclear emergency. This is the question which we must raise at this hearing. Are safety procedures, as currently designed, adequate to deal with nuclear emergencies? We submit that they are not.

Currently, the New York State Health Department has primary responsibility for handling nuclear emergency with the Westchester County Office of Disaster and Emergency Services and the County Health Department in supportive roles only. These jurisdictional lines are overlapping and specific responsibilities are not clear.

The inadequacy of State planning for disaster has become a great concern to my administration. For example, every school district in our County has fire plans and fire drills whereby school children are trained to protect themselves in the event of a school fire. The State has designed no equivalent procedure for a nuclear accident.

There is no program designed to train doctors or emergency medical personnel in the treatment of illness caused by radiation. This is a specialized subject and one which few doctors are qualified to handle.

Additionally, there is no hospital that has been set aside and specifically equipped for nuclear emergency use.

By necessity, our resources and expertise in County government are limited. We must have State help in training local police forces and emergency personnel to deal with nuclear emergency. We need specific expertise on decontamination procedures and radiological medicine. Under current disaster planning by the State, these needs have been met inadequately or not at all.

We therefore must request that Indian Point III not be made into an operational nuclear plant until such time as adequate emergency procedures have been designed and implemented by State government.

The second question we wish to raise at this hearing is that of local tax loss should the State Power Authority decide to purchase Indian Point III from Con Edison. Since Power Authority installations are tax-exempt, a takeover of this facility would mean a property tax loss of over \$2 million in Westchester County, nearly \$1.5 million of that amount within the Town of Cortlandt. In the Village of Buchanan, the Number 3 plant represents over one fifth of the total assessed valuation in the village and nearly 15% of the community's budget. To cut these taxes off suddenly, with no relief for the localities involved, will mean grave and sudden hardship to towns and school districts.

Provision must be made for relief for the affected localities until they can develop alternate sources of income. Payments must be made to the affected districts to prevent a crisis in local government and a sudden intolerable burden on hard-pressed local taxpayers.

We understand that under Section 545 of the Real Property Tax Law, the State can provide gradually diminishing tax relief for localities affected by a State takeover. Preliminary work on this matter has been done by the State Board of Equalization and Assessment.

We request, however, that the State Power Authority not decide to acquire Indian Point III unless assurances are given of forthcoming State relief for the affected localities.

In conclusion, we ask as well that no more nuclear plants be brought on line in this densely populated area unless and until clear-cut and sufficient disaster plans are designed and implemented by State government.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 22, 1974

Mr. Sherwood Davies
New York State Department
of Health
845 Central Avenue
Albany, New York 12206

Dear Mr. Davies:

The U.S. Atomic Energy Commission, under a Notice of Interagency Responsibilities published in the Federal Register on January 24th, 1973, was designated by the Federal Office of Emergency Preparedness (now Office of Preparedness, General Services Administration and Federal Disaster Assistance Administration, Housing and Urban Development) as the "lead agency" in nuclear incident emergency planning activities among Federal agencies and for Federal assistance to State and local governments in developing radiological emergency response plans in support of fixed nuclear facilities. As a part of meeting this responsibility, the AEC published an interim "Guide and Checklist for the Development and Evaluation of State Radiological Emergency Response Plans for Fixed Nuclear Facilities" on November 16, 1973. This document has recently been undergoing revision and is scheduled for promulgation soon. The basic thrust of the interim Guide and Checklist is essentially preserved and clarified in the revised version. A copy of the revised version will be sent to you as soon as it becomes available.

In conjunction with our responsibility, we have reviewed the following radiological emergency response planning documents from the State of New York which we currently have on file.

1. New York State Emergency Plan for Major Radiation Accidents Involving Nuclear Facilities, dated August 1972.
2. New York State Department of Health, Bureau of Radiological Health, Specific Operating Procedures for Brookhaven National Laboratory Site, dated October 1973.
3. New York State Department of Health, Bureau of Radiological Health, Specific Operating Procedures for Nine Mile Point.
4. New York State Plan for Coordination of Natural Disaster Assistance, Department of Transportation, July 1971.

November 22, 1974

In reviewing the above listed radiological emergency response plans for New York, we are of the opinion that, although a good start has been made, major improvements are necessary in several areas. For example, it is difficult to determine who is in charge of response operations at any given time. There also appears to be a lack of coordination between the many involved State and local agencies. Too much reliance appears to be made on telephone contacts between various groups before definitive actions can be taken.

We also believe the emergency plans, as written, do not provide the guidance necessary to allow a timely and effective response to a radiological emergency by State and local authorities. There does not appear to be a clear "concept of operations".

We believe that a State and local emergency plan should be synchronized with the licensee's emergency plan. AEC regulations specify certain requirements relative to emergency planning which must be met by nuclear facility licensees. State and local government emergency plans must interface clearly with the licensee's plans in a number of areas as outlined in the AEC "Guide and Checklist". We would, therefore, suggest that you review your planning documents against the planning elements in the "Guide and Checklist" and consider expanding the sections which are deficient and addressing those which are absent.

Of additional interest to you may be the fact that the new Federal Disaster Assistance Act of 1974 (93-283) signed into law on May 22d of this year, provides for \$250,000 non-matching planning grants to each State for the development of plans, programs and capabilities for disaster preparedness and prevention. Radiological emergency response planning may be considered to be a part of this program and your appropriate State agency may wish to inquire about the availability of such funds from the Federal Disaster Assistance Administration Regional Director in your area.

As you continue to develop your plans, we stand ready to support you with advice, guidance and such other assistance that we may be able to render. We are prepared, upon your request, to send a field cadre to New York for a few days to assist your State organizations (in whatever way you think appropriate) in the development of your radiological emergency response plan. If you desire this help, please contact us. We also will be pleased to review later versions of your plans as they become available.

Sincerely,

(5)

Harold R. Collins
Emergency Preparedness
Office of Government Liaison -
Regulation
Telephone 301-973-7794



STATE OF NEW YORK
DEPARTMENT OF HEALTH
845 CENTRAL AVENUE
ALBANY, N.Y. 12206

COMMUNITY HEALTH SERVICES

ARTHUR G. BAKER, M.D.
ASSOCIATE COMMISSIONER

RALPH E. DWORK, M.D.
ASSOCIATE DIRECTOR

BUREAU OF RADIOLOGICAL HEALTH
SHERWOOD DAVIES, M.P.H., P.E.
DIRECTOR

OLLIS S. INGRAHAM, M.D.
COMMISSIONER

January 6, 1975

Harold E. Collins
Atomic Energy Commission
Emergency Preparedness
Washington, D. C. 20545

Dear Mr. Collins:

This is in reply to your letter of November 22, 1974 relative to the New York State Emergency Plan for Major Radiation Accidents Involving Nuclear Facilities. We appreciate receiving these comments and the offer of assistance in the preparation of any revisions to the plan.

As you may know, in 1962 New York State made the first comprehensive survey around a nuclear facility (Indian Point) and developed emergency response plans. A paper discussing these plans was published in the American Journal of Public Health in December 1962 entitled "Protecting the Environment Around a Nuclear Power Reactor - A State Health Department Acts." Our evaluation of the potential for reactor accidents at that time concluded that the primary concern was contamination of milk, food, and water supplies. *Correct*

In the subsequent years, we have worked closely with the US Atomic Energy Commission and Utility staff to insure that emergency response plans are adequate to protect the citizens of New York State.

Our present plans have been developed based on an accident which is 10% of Design Basis Accident used to determine if the 10 CFR 100 siting criteria are met. Testimony by Dr. Dudley Thompson, USAEC, at the USAEC's Indian Point No. 2 hearing on November 12, 1971 supported New York State's position by stating:

- 1) that realistically should a Design Basis Accident occur, there is a high probability that the actual consequences would be less severe probably by a factor of 10 or more;
- 2) the level of projected radiation dose would be substantially lower than the 10 CFR 100 siting criteria;
- 3) the geographic area of coverage appropriate for advance emergency planning is approximately the same as the Low Population Zone; and
- 4) accidents greater than 10% of the consequences of the Design Basis Accident are exceedingly improbable and that such accidents might call for resources beyond those covered by the developed advance emergency plan.

January 6, 1975

Since that time best estimate calculations of the Loss of Coolant Accidents have been performed by applicants and the USAEC and these calculations indicate that the off-site radiological consequences are less than 1% of those for the Design Basis Accident. The USAEC's Environmental Impact Statement on nuclear facilities indicates off-site consequences of a magnitude well within 10 CFR 20 limits.

In the State's current plan, detailed planning for accidents up to and including 10% of the Design Basis Accident is provided in Alert "A" of the New York State Specific Operating Procedures. Alert "C" provides for marshalling all resources for any accident having off-site consequences greater than that covered in Alert "A". We now understand that you are requesting the State to provide detailed response plans for an accident that is 10 times more than the USAEC previously required and to provide detailed plans for the evacuation of the population in substantial areas beyond the Low Population Zone.

Your November 22, 1974 letter suggests that we review our planning documents against the planning elements in the USAEC "Guide and Checklist," dated December 1973, and consider expanding the sections which are deficient and addressing those which are absent. On July 5, 1974, Mr. T. K. DeBoer, representing the New York State Atomic Energy Council, posed a number of questions to Mr. Herbert H. Brown relative to this Guide and Checklist. Many of these points go to the heart of the concept of the New York State Plan and before meaningful amendments can be made to it, it is felt a response should be made to the points Mr. DeBoer addressed. We would appreciate your advising us as to whether the USAEC staff believes that there is a greater probability of the occurrences of the Design Basis Accident and its off-site consequences than was previously believed. We feel that if the probability of an accident occurring with off-site consequences comparable to the Design Basis Accident is indeed extremely low, then there is no justification for the extensive detailed advanced planning that the Commission now appears to require.

The WASH-1400 Reactor Safety Study, USAEC analyses and applicants' analyses show that there is a wide variety of reactor accidents that can be considered and that a corresponding wide range of off-site consequences and related probabilities exists for these accidents. The WASH-1400 report indicates that the probability of 100 or more fatalities resulting from toxic gases is 1 in 100 years; tornado 1 in 5 years; hurricane 1 in 5 years; and for 100 nuclear reactors 1 in 10,000 years. We believe that the USAEC is placing undue emphasis on detailed planning for a catastrophe with an extremely low probability of occurrence.

One aspect of the New York State Plan that we agree requires further development is the response of local authorities in the immediate post-incident period while the State's response is being marshalled. At the present time, planning activity is being carried out with local authorities on this aspect of the State's overall plan. Another aspect of our plan that we are expanding concerns surveillance and protection of our water systems, milk, milk products, and food. In the accidents which have the greatest probability of occurring, the potential for human radiation exposure from ingestion of contaminated water, food, milk or milk products is vastly greater

January 6, 1975

than exposure from inhalation. We believe that priorities for detailed planning should be undertaken based upon probabilities of the accident and the potential for human exposure.

To date there has been no specific Federal guidance as to "acceptable" limits of population exposure from air, water, food, or milk. We have used as our guide Federal Radiation Council Reports Nos. 5 and 7 and based on these reports, the area that must be considered extends a considerable distance beyond the Low Population Zone. The Indian Point site presents a specific problem to us. In addition to a large population, we have a Federal psychiatric hospital, State rehabilitation hospital, and U.S. Military Academy all within a relatively short distance from the site.

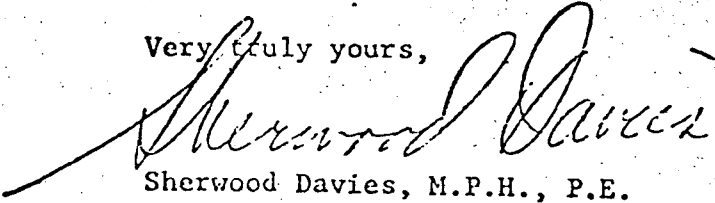
New York State is considering utilization of the \$250,000 planning grant available through the Federal Disaster Assistance Administration (FDAA) for assistance in the development of a number of disaster planning program areas. One of these areas is the one concerning State and Local response to major accidents involving a nuclear facility. In accordance with FDAA requirements, a formal application will be presented at an appropriate time for assistance in these various programs.

Your offer that a field cadre be sent to New York for help in the development of the State's radiation emergency response plans is appreciated. However, until some of the points discussed above, and in Mr. DeBoer's letter of July 5, 1974 are resolved, it is doubtful that the State could benefit from this type of direct assistance.

In considering this whole subject it must be realized that if State and local agencies must now plan for the evacuation of areas beyond the Low Population Zone, it will be necessary for us to look at each nuclear facility now operating and to evaluate how effective we would be in protecting the population from consequences of an accident 10 times greater than heretofore required by the USAEC. It should also be noted that if the probability of an accident is considered great enough to require extensive advanced detailed planning to cope with it, then consideration should be given to the fact that the probability of such an accident and the risk to the public may be too great to permit the construction and operation of nuclear power reactors.

I would appreciate hearing as soon as possible so that we can proceed with our further review of emergency plans.

Very truly yours,


Sherwood Davies, M.P.H., P.E.
Director
Bureau of Radiological Health

cc: Major General J. C. Baker
Mr. J. Hayes
Mr. T. K. DeBoer
Mr. L. Czech

MAR 27 1975

Mr. Sherwood Davies, M.P.H., P.E.
Director, Bureau of Radiological Health
State of New York
Department of Health
845 Central Avenue
Albany, New York 12206

Dear Mr. Davies:

This will acknowledge receipt of your letter of January 6th relating to the New York State Emergency Plan for Major Radiation Accidents involving Nuclear Facilities and your apparent concern with the impact of Federal agency guidance in the further development of this plan.

Your basic concern, as I understand it, and as it is outlined in your letter, seems to be that the scope of emergency planning to be undertaken by States and local governments to assure protection of the public health and safety should be based upon a hypothesized accident of defined limits. Further, you express concern that the NRC is recommending that New York provide response plans for an accident that is 10 times more serious than you had understood was considered appropriate a few years ago, and that you should include plans for the evacuation of the population in areas beyond the Low Population Zone surrounding nuclear facilities in the State.

One of the reasons for this concern centers about the interpretation of AEC testimony on July 12, 1971 in a hearing concerning the Indian Point Nuclear Facility (Unit 2), which you cite in your letter. This testimony was not intended to set a rigid limit on emergency plans. It was, and is, our view that there is an inevitable unpredictability about accidents, and that emergency plans should be developed to respond to the entire potential spectrum of accidents.

The adequacy of planned response, i.e. the state of preparedness, is, of course, a matter of judgment. We consider that documented State plans constitute one of the important elements of evidence that can be judged. With respect to such plans relative to fixed nuclear facilities, we have developed WASH-1293, frequently referred to as our "Guide and Checklist" for the express purpose of providing an objective basis for making such judgments. We have recognized that many of the checklist items are subject to broad interpretations and it was for this reason that we attempted to guide the reader with the Introduction section of this document. You may already have recognized that this was one of the

MAR 27 1975

significant changes from the draft version of the "Guide and Checklist" which we distributed in November 1973. We have also recognized that one of the most common questions which emergency planners have raised, and which is one of your primary concerns, is typified by the query "How big an accident do we need to prepare for?" Our response to this question is intended to be direct, and is found in the statement in Section 1.D.2 of WASH-1293 concerning the "magnitude of the accident" which indicates that we consider that it is reasonable, for purposes of emergency planning relative to fixed nuclear facilities, to prepare for the potential consequences of accidents of severity up to and including the most serious design basis accident analyzed for siting purposes. It was our intent here to call attention to the fact that the consequences of such accidents as analyzed for siting purposes are treated in an extremely conservative fashion and stand in marked contrast to the far more likely consequences of the same accidents (inside the plant) as analyzed on a much more probabilistic basis and represented in Environmental Statements prepared for each facility. Thus, we consider the range of possible consequences to be quite broad indeed. We can and do assert that the probability of occurrence of accidents with consequences bordering the most severe and of this scale is exceedingly low, and as you correctly point out, the draft report WASH-1400 appears to add considerable weight to this assertion. We have not basically changed our views about the likelihood of accidents but we believe that it is prudent to develop plans to respond to the entire potential spectrum of accidents.

Further insight into our views may also be gained by reflection on the statement in WASH-1293 at Section 1.D.1 to the effect that it is clear that (emergency) plans should be increasingly definitive as the areas of consideration are located closer to the site (of the accident). We consider that it is manifestly prudent to have comprehensive emergency plans but this should not be construed as implying the kind of excessive detail your comments and those of Mr. T. K. DeBoer seem to be concerned about.

With regard to Mr. T. K. DeBoer's letter of July 5, 1974, to Mr. Herbert H. Brown, we perceived this letter to have been written as a response to our letter of June 17, 1974, requesting comments on our November 15, 1973, interim "Guide and Checklist," the precursor to WASH-1293. We could not, of course, respond specifically to the numerous comments received from States and other interested parties concerning the review and revision of the "Guide and Checklist." Where feasible, however, specific constructive comments received from the States and others, were incorporated into WASH-1293.

As to the questions concerning emergency preparedness that you refer to as having been posed in Mr. DeBoer's letter, we assume that what you have in mind are the questions raised in your draft attachment to your letter of January 16, 1974, to Dr. Clifford K. Beck, then the Director of the

Mr. Sherwood Davies

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MAR 27 1975


Office of Government Liaison - Regulation. Mr. DeBoer's letter does express a number of opinions which are essentially the same as the questions raised in the draft attachment to your January 16, 1974 letter and which, in the main, bear on certain internal policies and problems specific to the State of New York. As you may recall, Dr. Zack and AEC staff members, met with New York State representatives in Bethesda on March 5, 1974, to discuss the questions raised in your letter of January 16. I recall that although different viewpoints were expressed upon some of the questions, there was general agreement that there were certain steps that New York could and should take to improve its Radiological Emergency Response posture supportive of fixed nuclear facilities.

The NRC and other involved agencies have Federally assigned responsibilities to encourage the development and improvement of State and local government Radiological Emergency Response Plans in support of fixed nuclear facilities. The Federal Office of Preparedness, General Services Administration is expanding these responsibilities to include transportation accidents involving radioactive materials. The NRC as "Lead Agency" in nuclear incident emergency response planning supportive of fixed facilities, in cooperation with other Federal agencies, is attempting to meet these responsibilities by providing guidance (e.g. WASH-1293), formal training assistance and our field assistance effort carried out by the Federal Interagency Field Cadre.

We regret that you are of the opinion that our Federal Interagency Field Cadre could not be of assistance to you. We believe and hope that most States share our concerns and will try to improve their radiological emergency response posture within their existing resources. We are of the opinion that States can do this by maximizing cooperation among the various cognizant State agencies having emergency preparedness responsibilities and by making improvements in their plans where necessary.

Our offer of assistance remains, should you desire it.

Sincerely,



Harold E. Collins
Emergency Preparedness
Office of International
and State Programs

cc: Mr. T. DeBoer, New York
Maj. Gen. J. C. Baker, NY
Mr. L. Czech, NY



STATE OF NEW YORK
DEPARTMENT OF HEALTH
845 CENTRAL AVENUE
ALBANY, N.Y., 12206

ELLIS S. INGRAHAM, M.D.
COMMISSIONER

Handwritten: HCC
COMMUNITY HEALTH SERVICES

Handwritten: F. L. C.
ARTHUR G. BAKER, M.D.
ASSOCIATE COMMISSIONER

RALPH E. DWORK, M.D.
ASSOCIATE DIRECTOR

BUREAU OF RADIOLOGICAL HEALTH
SHERWOOD DAVIES, M.P.H., P.E.
DIRECTOR

April 22, 1975

Mr. Harold Collins
Nuclear Regulatory Commission
Office of International and State Programs
Washington, D.C. 20545

Dear Mr. Collins:

In reply to your letter of March 27, 1975, we agree that accidents are completely unpredictable and that emergency plans should be developed to respond to the entire potential spectrum of accidents. The "New York State Emergency Plan for Major Radiation Accidents Involving Nuclear Facilities", and the Specific Operating Procedures (SOP) for each nuclear facility site and the supplemental response plan which deals with contamination of milk, food, or water sources, cover the complete spectrum of accidents from a puff release to an accident having offsite consequences greater than the Design Basis Accident (Alert C). In fact, we have expanded our plan to deal not only with the inhalation dose, but the potentially more serious problem of contamination of milk, food, and water sources.

It is our intent to take the necessary action to protect the population in the vicinity of nuclear facilities whether exposure occurs from inhalation or ingestion.

New York State representatives met with U.S. Atomic Energy Commission staff on January 15, 1971 to discuss our overall approach to emergency planning and to establish the accident level for which detailed plans should be required. Our response plan was developed in 1971 based upon the limits agreed upon at this meeting and was not solely based, as you state in your letter, upon our interpretation of the AEC testimony of November 12, 1971 in connection with Consolidated Edison Unit No. 2.

Apparently our basic differences stem from the question of what details must be incorporated in writing in an emergency plan as opposed to amply considering them in the preparation and formulation of the plan. At the March 5, 1974 meeting with Dr. Beck that you referred to, the State representatives were assured that it was the USAEC's intent that the items in the Draft guide and checklist must be considered in the plan preparation and that the details did not have to be written into the plan. We would specifically like to know if this is NRC's intent governing the application of the December 1, 1974 revision of the guide and checklist (WASH 1293).

Mr Harold Collins

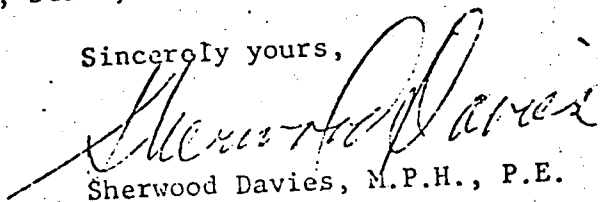
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April 22, 1975

We have maintained a nuclear facility emergency response plan since 1962 and are continuously improving and updating our plans. We have recently drafted a supplement to our plan which will provide surveillance and control over milk, milk products, agricultural products, and water sources. Population exposure from ingestion of these contaminated products may be a vastly greater problem than exposure from inhalation. We believe that New York State is the first to develop such a detailed plan to deal specifically with the ingestion problem.

Please be assured that our primary interest is in the protection of the public. We believe that this can only be accomplished through the combined cooperative efforts of Federal, State, and local agencies.

Sincerely yours,



Sherwood Davies, M.P.H., P.E.
Director
Bureau of Radiological Health

sr

cc: Major General J. C. Baker
Mr. Theodore K. DeBoer
Mr. Edward H. Smith

May 9, 1975

Mr. Sherwood Davies, Director
Bureau of Radiological Health
State of New York
845 Central Avenue
Albany, New York 12206

Dear Mr. Davies:

In reply to your letter of April 22nd concerning New York State's Emergency Preparedness activities as they related to fixed nuclear facilities, I quite agree with you that our basic differences of opinion in emergency plan development do stem from the question of "what details must be incorporated in writing, in an emergency plan, as opposed to amply considering them in the preparation and formulation of the plan?"

I discussed the answer to this question both in the Emergency Preparedness Workshop and following my formal presentation at the recent Hyannis meeting of the National Conference of Radiation Control Program Directors. We consider that a comprehensive State Radiological Emergency Response Plan should contain all of the essential elements outlined in our "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities (WASH-1293)."

Under our interagency arrangement among Federal agencies, the NRC is responsible for "reviewing and concurring" in Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities. We would, of course, find it difficult, if not impossible, to ascertain whether or not an essential element of the planning has been "amply considered in the preparation and formulation of the plan" unless it is documented in the plan.

Since it is our position that all of the WASH-1293 elements are "essential elements," it is also our position that each element should be addressed, in writing, in the appropriate emergency plans or other appropriate related documents developed by the State and its local governments. Unless this is done, there is no effective way (short of passing judgment on oral or written rhetoric) for the NRC, or the other involved Federal agencies to render an objective evaluation of what, for the most part, are the operational and technical elements of an effective plan.

Mr. Sherwood Davies

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May 9, 1975

We are pleased that your State is developing additional aspects of the State Radiological Emergency Response Plan. As I mentioned to you in my last letter, we continue to offer our help and assistance in the planning effort should you desire it.

Sincerely,

original signed by
Harold E. Collins

Harold E. Collins
Emergency Preparedness
Office of International
and State Programs

bcc w/incoming: HHBrown, DR:ISP
WHouston, IS&EP/RL
RVoegeli, OELD
CSiebentritt, DCPA
JNocita, OP/GSA
EAnderson, FDA/BRH
CWeaver, EPA
HCalley, EPA
RZintz, ERDA-OS
JMcConnell, DCPA

cc: NY State CD Director - Maj Gen John C. Baker

EP:ISP

HECollins:sw

5/9/75

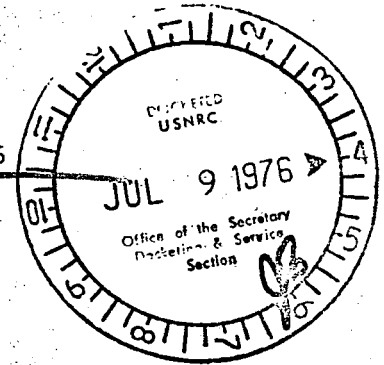
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June 25, 1976



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Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Sirs:

It has been brought to our attention (by the League of Women Voters of New Castle, N.Y.) that your public hearings on the potential earthquake dangers and related hazards involving the Consolidated Edison Nuclear facility at Indian Point, have been relocated from New York State to Bethesda, Md. While these hearings, before your Appeal Board, are now in recess, we understand that the July sessions are also scheduled for Bethesda.

We are, frankly, puzzled by the logistical strategy behind your hearing site selection, especially in view of the fact that the present series of hearings began in New York State.

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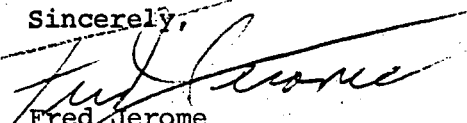
We understand the budgetary and other difficulties imposed upon a federal commission by the necessity of transporting an entire proceeding to states which may be some distance away. Nonetheless, it seems to us that the primary consideration involved is the public's right to know -- particularly the public which is most directly affected by the outcome of the hearings -- and to participate the decision-making process.

The current situation is even more puzzling since we are advised that both the New York State Atomic Energy Council and the Consolidated Edison Company have requested that the hearings be held in New York State.

The public's right to, and access to full scientific information concerning public policies under review is an essential part of our democratic system. We hope you will agree.

Looking forward to an early reply,

Sincerely,


Fred Jerome
Public Information Director

FJ/mm

cc: Carole Lieberman, president, League of Women Voters of New Castle;
Peter A.A. Berle, commissioner, N.Y. State Dep't of Environmental
Conservation;
Sen. Jacob K. Javits;
Sen. James L. Buckley;
Waymon Dunn, deputy assistant to the chairman, Consolidated Edison
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