

# REGULATORY DOCKET FILE COPY

APR 16 1980

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Docket Nos. 50-3  
50-247  
and 50-286

The Honorable Benjamin S. Rosenthal  
United States House of Representatives  
Washington, D. C. 20515

Dear Congressman Rosenthal:

Your January 14, 1980 letter to Commissioner Hendrie regarding the UCS petition for the Indian Point reactors has been referred to me for reply.

The UCS petition was referred to Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation, for determination. A copy of the Staff's determination and associated Orders are enclosed. You will note from the enclosed Decision and Orders that the Commission has granted the requests of the UCS petition in part and has denied them in part. You will also note in the enclosed determination that because of the interim measures imposed by the Confirmatory Order and in light of the discussion in this Decision of the safety issues raised by the UCS, Mr. Denton has determined not to order the shutdown of Indian Point Units 2 and 3. For these same reasons he has not been recommended to the Commission that it institute a hearing on all of the matters touched upon in the UCS petition.

The Commission is presently considering whether to review Mr. Denton's decision on the UCS petition. The Commission invited comments not only on whether it should review the decision, but also on the form such review should take. (See enclosed Federal Register notice.) We have brought your letter to the attention of the Commission.

You expressed particular concern with the lack of an adequate evacuation plan for the 50-mile emergency planning zone. NRC presently has an active program for upgrading emergency preparedness around operating nuclear power plants. The program includes visits by emergency preparedness teams to the site and the environs of operating nuclear power plants and meetings with the utility and local and State authorities. At these meetings, new and more stringent acceptance criteria are explained. One provision of the acceptance criteria is that emergency planning must extend to a distance of about 10 miles from an operating plant for what is called the plume exposure pathway. The plume exposure pathway

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describes the mechanism by which an effluent plume is directed downwind from a source and then becomes available for direct plume exposure or for inhalation. The 10-mile emergency planning zone is contained in an NRC-EPA emergency planning task force document (NUREG-0396) which recommends that State and local authorities plan for protective measures around operating nuclear power plants out to 10 miles.

Another element of upgraded emergency planning is the concept that an emergency is to be defined on the basis of observable instrumentation in the control room of the reactor. Our acceptance criteria specifies that there should be a maximum of 15 minutes between the time the operator observes his instrumentation and decides to warn the local authorities of a potential danger. There should then be no more than another 15 minutes between the time the local authorities are advised and the time that the general public, within 10 miles of the plant, is alerted. The first instruction to the general public would be to go indoors, close doors and windows, and listen to either the radio or TV for further instruction. Evacuation is not usually recommended as the initial protection measure to be taken.

The 50-mile emergency planning zone recommended in NUREG-0396 is for the ingestion-exposure pathway from contaminated food supplies. The ingestion pathway exposures in general represent a longer term problem than the plume exposure pathway, although some early protective actions to minimize subsequent contamination of milk or other supplies would be initiated (e.g., put cows on stored feed).

In the event of a potentially contaminating accident at Indian Point, immediate notification of offsite officials would be made by the licensee. The responsible officials would then follow the procedures of protective actions described in the "New York State Plan for Radiation Accidents." For protection of water reservoirs, these actions include: alert water supply operators, monitor and evaluate, sample water, restrict use of water to sanitary and firefighting purposes as needed, and (in the most severe case) shut off the particular reservoir.

You stated that "the Indian Point facilities have demonstrated an extremely poor safety record, well below average in its ratings, with an above average number of unscheduled 'events' over the past years." I assume you are

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Congressman Rosenthal

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referring to a report issued by the NRC's Office of Inspection and Enforcement (IE), which gave Indian Point 2 a below average rating for its performance in 1976. Enclosed are excerpts from two IE memoranda that indicate improvement in performance at Indian Point. In addition, IE is proceeding to staff the Indian Point site to a total of four resident inspectors, two per unit. This extra inspection coverage is in recognition of the disproportionately high contribution to the total societal risk from reactor accidents that the Indian Point plants represent.

I trust you will find this letter and the enclosure responsive to the concerns expressed in your January 14, 1980 letter.

Sincerely,

(Signed) William J. Dircks

William J. Dircks, Acting  
Executive Director for Operations

Enclosures:  
As Stated

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