

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

June 2, 1982

ANSWERS AND OBJECTIONS
TO INTERROGATORIES AND
DOCUMENT REQUESTS PROPOUNDED
BY RCSE TO THE
STATE OF NEW YORK

Sometime after May 3, Rockland Committee on Safe Energy (RCSE) mailed interrogatories directed to the State of New York. The State of New York hereby responds with its answers to the interrogatories and document requests propounded by RCSE. not a party to this proceeding since it is participating as an interested state pursuant to 10 CFR § 2.715(c). Interrogatories such as those served upon the State of New York can be filed by parties on parties under §2.7406. The production of documents can only be requested by parties from parties under §2.741. The State is not a party and therefore is not bound to answer these discovery requests. However the State recognizes that it should, as part of the exercise of its emergency planning function participate in this proceeding and cooperate with reasonable inquiries related to emergency planning. The State therefore

responds below to RCSE's interrogatories and document requests. By responding, the state does not relinquish any protection against discovery it has as an "interested state" in this or other contexts, such as access to state facilities during emergency exercises. All answers were prepared by Donald Davidoff and an affirmation to that affect is attached.

Respectfully submitted,

STANLEY KLIMBERG
General Counsel
NYS Energy Office

Jonathan D. Feinberg
By JONATHAN D. FEINBERG
Staff Counsel
NYS Department of Public Service

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

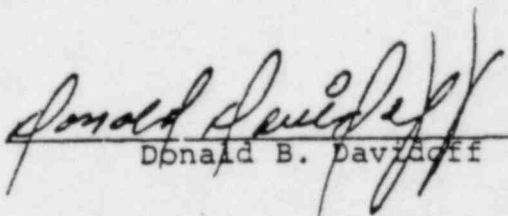
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

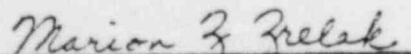
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OF NEW YORK (Indian Point, Unit 2))	Docket Nos. 50-247-SP
)	50-286-SP
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AFFIDAVIT OF
CORRECTNESS OF INTERROGATORIES

I, Donald B. Davidoff, Director of the New York State Radiological
Emergency Preparedness Group, being duly sworn, hereby swear and
affirm that the attached additional answers to the Interrogatories
filed upon the State of New York by the Rockland Committee on Safe Energy
are true and correct to the best of my knowledge and belief.


Donald B. Davidoff

Sworn to before me this
2nd day of June 1982


Notary Public

MARION Z. ZRELAK
Notary Public, State of New York
Qualified in Albany County
Commission Expires March 30, 1983

1. Please state the party's position with respect to each of the RCSE's contentions 3.1, 3.3, 3.4, 4.2, and 4.7.

3.1. Emergency planning for Indian Point Units 2 and 3 is inadequate in that the present plans do not meet any of the sixteen mandatory standards set forth in 10 C.F.R. 50.47(b), nor do they meet the standards set forth in Appendix E to 10 C.F.R. Part 50.

Emergency planning is adequate. The present plans do meet the 16 mandatory Federal standards.

3.3. The present estimates of evacuation times, based on NUREG-0654 and studies by CONSAD Research Corporation and by Parsons, Brinckerhoff, Quade & Douglas, Inc., are unreliable. They are based on unproven assumptions, utilize unverified methodologies, and do not reflect to the actual emergency plans.

The present estimates are reliable. They are based on proven assumptions. They utilize verified methodologies. They conform to actual plans.

3.4. The Licensees cannot be depended upon to notify the proper authorities of an emergency promptly and accurately enough to assure effective response.

The Licensees can be depended upon.

4.2. The following specific, feasible offsite procedures should be taken to protect the public:

- a) Potassium iodide should be provided in an appropriate form for all residents in the EPZ.
- b) Adequate sheltering capability should be provided for all residents in the EPZ.
- c) License conditions should prohibit power operation of Units 2 and 3 when the roadway network becomes degraded because of adverse weather conditions.
- d) The roadway network should be upgraded to permit successful evacuation of all residents in the EPZ before the plume arrival time.

a) Potassium iodide should not be provided to all residents in the EPZ.

- b) Adequate sheltering should be provided.

c) License conditions should not prohibit power operation when adverse weather conditions exist.

d) Successful evacuation of all affected residents can occur with current roads.

4.7. The present emergency planning brochures and present means of alerting and informing the population of an emergency do not give adequate attention to problems associated with persons who are deaf, blind, too young to understand the instructions, or who do not speak English.

The present brochures and means of alerting and informing the population are adequate, although improvements are planned to upgrade these items.

2. With respect to each of RCSE's contentions, please

(a) identify each person whom the party expects to call as an expert witness concerning the contention;

(b) state the subject matter on which the expert witness is expected to testify;

(c) state the substance of the fact and opinion to which the expert witness is expected to testify and summarize the grounds for each opinion;

(d) identify all documents relied upon or examined by the expert witness in answering (c) above;

(e) identify all documents not identified in response to (d) above which the expert witness expects to put into evidence or to rely upon in support of his or her testimony in this proceeding.

a) Donald B. Davidoff and Lawrence B. Czech will be witnesses for the State of New York on RCSE's contentions.

b) Radiological emergency planning

c) The witnesses will testify as to the conformance of the State's Plan with the applicable Federal regulations and show that the Plan is in substantial compliance with those regulations.

d) The witnesses will rely upon the Plan and NUREG-0654.

e) None

3. Please identify all other persons whom the party expects to call as witnesses concerning the issues raised by the RCSE contentions and in response to Commission questions 3 and 4. Please answer interrogatory 2(a) through (e) with respect to each potential witness identified by the party in response to this interrogatory.

No other witnesses will be called beyond those specified in response to Question #2 above.

4. With respect to all persons identified by the party in response to interrogatory 2 and 3 above, please

-(a) provide a complete bibliography of all articles, books or scholarly works published or presented by each person, including a brief description of the substance of each;

(b) identify and provide appropriate citations for all proceedings in which the person has previously appeared as a witness.

a) Neither person has published any articles on emergency planning.

b) Donald B. Davidoff has not appeared as a witness on emergency planning in any adjudicatory hearings.

Lawrence B. Czech appeared as a witness on emergency planning in the NRC proceeding on licensing of the Fitzpatrick plant, and in proceedings before the State Siting Board on the certification of the Jamesport and Sterling plants.

5. Identify all documents that the party expects to introduce into evidence or to use for impeachment or other cross-examination purposes in this proceeding other than those identified in response to other interrogatories.

The State does not intend to introduce into evidence or to use for impeachment or other cross-examination purposes any documents other than those identified in response to these and other interrogatories.

6. What equipment, manpower and training shortfalls does Rockland County have with respect to compliance with 10 C.F.R. 50.47b(6) and (7) and NUREG 0654 Sec. II F and II G? Please identify any and all deficiencies in complying with the evaluation criteria of NUREG 0654 Sec. II F and II G with respect to Rockland County.

Rockland County has supplied a list of its equipment, manpower and training needs for the purposes of being able to carry out the requirements of the New York State Radiological Emergency Preparedness Plan. A copy of the County's list of requests is attached. The State has not accepted all the items requested by the County, and has been in negotiation with the County concerning this important matter. Agreement in principle has been reached on approximately six hundred and some thousand dollars worth of requests, subject to the availability of funds.

A more precise measure of shortfall may be available in the form of the FEMA official critique of the four county Indian Point Exercise of the Plan.

As stated in response to several UCS/NYPIRG questions, the State intends to work closely with each county on the important matter of training. Costs related to training can be borne directly by the State without a direct cost to the county.

7. With respect to contention 3.3, please provide a listing of all evacuation plan estimate studies done by CONSAD Research Corporation and Parsons, Brinckerhoff, Quade and Douglas, Inc., and any other time estimate studies done for the Indian Point site, any working papers and documents pertaining to these studies, and updates of the studies, including the date of all such documents and updates. The NRC staff is requested to provide a copy of the aforementioned documents to RCSE without charge.

The consultants mentioned above were not hired by the State of New York, and any questions on studies done by them should be addressed to their employers, FEMA for CONSAD Research Corporation and the licensees for Parsons, Brinckerhoff, Quade and Douglas, Inc. The State of New York has not done any independent studies of evacuation time estimates for the Indian Point site.

8. Please identify which version, if any, of the Rockland County Radiological Emergency Response Plan was relied upon in each of the studies or updates. Please identify what studies were made of traffic patterns immediately outside of the 10 mile EPZ and of their effects upon traffic egress from the 10 mile EPZ. Please identify the "level of service" assumptions used in computing the evacuation time estimates in any known studies and the reasoning for selection of those levels of service in Rockland County.

To the best of our knowledge, the August 1981 version of the Rockland County Radiological Emergency Preparedness Plan and Procedures was used by all parties as the basis for the documentation which was ultimately certified to FEMA by the State. The remainder of this question is not applicable to the State.

9. Please identify all bottlenecks revealed by any evacuation time estimate studies done for Rockland. State any time estimates that have been computed regarding traffic flow that does not progress in the optimal manner according to the plan.

Questions about evacuation time estimate studies should be addressed to the entities hiring consultants to do evacuation time estimate studies. Appendix H of the Rockland County Plan provides evacuation time estimates in conditions ranging from optimum to adverse.

10. Please state the date and time of any and all events which would be classified as unusual events, site alerts, site emergencies or general emergencies under current regulations in the operating history of Units 2 and 3. For each of the preceding events, state whether and at what exact time Rockland County and others were notified officially of the event and of its nature. Please supply all documents pertaining to the NRC investigation of the October 1980 fan cooler leak accident.

The State has received no reports of events classified of the licensee as unusual events at Indian Point #3 Plant. Reports have been received of events classified by the licensee as unusual events of the Indian Point #3 Plant. The times stated are of notification of the State of New York since the State began keeping a log of licensee notification.

Events Classified as Unusual Events
by Indian Point #3

9/4/80	Microseismic Event
10/16/80	Microseismic Event
12/13/80	Microseismic Event
1/20/81	Bomb Threat
1/24/81	Bomb Threat
2/25/81	Bomb Threat
5/18/81	Microseismic Event
6/20/81	Bomb Threat
6/21/81	Microseismic Event
7/22/81	Bomb Threat
10/21/81	Microseismic Event
3/10/82	Microseismic Event 11:12 a.m.
3/14/82	Microseismic Event 3:22 p.m. (15th)
3/24/82	Primary to Secondary Leak 11:58 p.m.

The best source for documents pertaining to the NRC investigation of the October 1980 fan cooler leak is the NRC.

11. Please identify any studies on sheltering capability within the EPZ in Rockland County. Please identify any standards known for sheltering factors in radiological emergencies. It is requested that the NRC staff provide any documents and testimony related to sheltering and air turnover rates in buildings.

There have been no specific studies of the sheltering capability of the EPZ. We have assumed that the EPZ contains enough dwellings or other buildings to provide adequate protection for the population. Sheltering as a protective action refers to getting the population into a structure such as their homes to provide protection from a gaseous release. A sheltering directive would include recommendation for ventilation control such as closing doors and windows, turning off air conditioners, etc. Sheltering in this context does not necessarily refer to the civil defense/nuclear attacks shelter with blast and fallout protection. The county offices of civil defense/emergency services have information on fallout shelter spaces identified by the US Corps of Engineers shelter surveys. County plans can incorporate use of the public fallout shelters to supplement sheltering in houses, places of work, schools, etc.

12. What proportion of the population within the Rockland County EPZ is known to be deaf, blind, too young to understand instructions in the Emergency Planning brochures or unable to speak English? What special provisions have been taken to inform these populations of an emergency?

The State has no information which would permit it to answer with certainty as to the proportion of the population within the Rockland County EPZ known to be deaf, blind, too young to understand instructions in the Emergency Planning brochures or unable to speak English. However, the Plan calls for the general public to come forward and identify those with special needs. Once that information is in the hands of a county, it would become the responsibility of the county to work out appropriate emergency plans with the families or other responsible persons.

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Docket Nos. 50-247-SP
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CERTIFICATE OF SERVICE

I hereby certify that I mailed copies of the Answers and Objections of the State of New York to Interrogatories and Document Requests propounded by Friends of the Earth/Audubon Society of New York City and the Rockland Committee on Safe Energy to the following parties on or before June 3, 1982.

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