STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

May 25, 1983

Dear Chairman Palladino:

I have reviewed carefully the circumstances surrounding your most recent order affecting the future operation of the Indian Point reactors and concur that additional actions must be undertaken to satisfy the mandate placed upon you by 10 CFR Section 50.54(s)(1). I do not believe, however, that these mandates can in fact be realistically met on a permanent basis without integrated participation of the federal government, the state, the local governments, and utility.

The utilities have committed themselves to making available their resources to the state and local government to address the deficiencies identified by FEMA. Westchester County is proceeding expeditiously to remedy the cited difficulties for the evacuation by bus drivers. Rockland County is continuing its good faith efforts to complete its revised plan and to have it available for FEMA review by the end of the year.

I am prepared to work with the utilities at Indian Point and to offer assistance through the State Disaster Preparedness Commission during an interim period while Rockland County completes its process and while the Federal Government begins to address its own responsibility for disaster preparedness.

Our discussions with representatives of FEMA have led them to conclude that the state personnel originally designated to compensate for Rockland County's non-participation would be sufficient to address the command and control responsibilities for effective implementation of the plan. The technical adequacy, the resource commitment, and the legal authority are all to be encompassed within the plan currently under discussion with FEMA.

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The events at Indian Point clearly demonstrate the inadequacies and vagaries of current regulatory responsibilities. Federal responsibility for the development and implementation of adequate off-site preparedness plans at nuclear reactors, not only in New York State but throughout the country, cannot be limited solely to its regulatory authority over the licensee. The residents of the areas surrounding nuclear power plants should not be the hostages of the licensee, nor should the licensees be the hostages of the localities. It is my strong belief that it is unreasonable to seek to address the public problems created by nuclear power plants, which are licensed exclusively by federal authorities, without the full participation of that federal government.

To insure that the protections provided by government are indeed appropriate, I would urge you to join me in seeking a clearer delineation of the exercise of our respective responsibilities. I would ask that you encourage Congress and the Executive Agencies to consider the following:

1. The development of a plan for direct federal participation and involvement in the implementation of emergency planning process. I believe that a dedicated cadre of trained personnel is the best method of assuring effective implementation of any evacuation plan.

2. The development of regionally based, specially trained radiological response teams to provide command and control support to the states in responding to radiological emergencies. These teams should include individuals with knowledge and experience in making decisions for protective actions.

3. The implementation of the recommendations contained in NRC's 1979 report, "Beyond Defense In Depth" for the development of a federal fund -- the Radiological Emergency Response Plan and Preparedness Fund, to provide the necessary resources to State and local governments to provide their own dedicated forces. These resources should be provided out of a federal distribution of funds so that the indirect tax of utility rate increases required by new federal policies does not adversely impact or disadvantage one locality.

4. The passage of legislation to address the anomalies created by the withdrawal of one locality from participation in the required planning and preparedness activities. To fail to do so is to leave in place an unclear federal policy and to contribute to the anxieties of the residents and to the uncertainties of the industry.

I know that you share with me a concern for the effectiveness of any emergency planning process. The problem is a national one and demands a national solution. I would ask that you join with me in seeking a comprehensive national resolution to the complexities and uncertainties confronted by states, the localities and utilities. Senator Alan Simpson, Congressmen Morris Udall and Richard Ottinger and the Secretary of Energy, Donald Hodel, have already acknowledged the urgency of addressing this national issue and I know they would welcome your support as well.

I look forward to an affirmation of the need of the federal government's extension of its responsibility beyond the current uncoordinated regulatory process.

Sincerely,

Mario M. Cuomo

Governor

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