

Rockland Citizens for Safe Energy
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DOCKETED
DOCKET NO. 50-247-SP
BRANCH

February 6, 1984

Nunzio J. Palladino, Chairman
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, D.C. 20555

RE: ASLB Recommendations to NRC, Indian Point,
Docket Nos: 50-247-SP
50-286-SP

Dear Commissioner Palladino:

It had not been our intention to respond to the ASLB's Recommendations to the Commission, dated October 24, 1983, because we felt that it would serve no purpose. However, we feel that many of the conclusions contained therein could not go unchallenged by RCSE. Among them:

- 1) Issues for which evidence obviously proved deficiency under the Emergency Planning regulations (50.47) were often judged "inconclusive" by the ASLB (hereinafter referred to as "the Board") and a decision in Intervenors' favor was avoided.
- 2) For emergency planning areas in which, at the time of the hearings, there was little or no compliance with standards (and in which this presently, to a large degree, has not changed), a decision negative to the Licensees' interests was avoided because "progress" was being made.
- 3) The quality of Intervenor witnesses was consistently, almost without exception, demeaned, and testimony damaging to Licensees' case from well-qualified Intervenor witnesses was either overlooked in the Board's conclusions or was usually considered inadequate as basis for ruling in Intervenors' favor. We include in this category the testimony and cross-examination of James Kralik, Chief of the Rockland County Sheriff's Patrol for 9 years at time of hearing, James McGuire, Radiological Health Specialist with the Rockland County Health Department at the time, Richard Bower, Coordinator of Rockland County's First District Volunteer Ambulance Corps, Luis Del Pilar, Affirmative Action Coordinator for Rockland County, Phyllis Helbraun, Executive Director of the Rockland Council for Young Children, and others. There are many, many more.
- 4) Although the Board acknowledged that "FEMA's position should be taken as a rebuttable presumption", the Board was content to accept FEMA's judgments regarding "significant deficiencies". The FEMA deficiency for Rockland was lack of a Rockland County plan, a deficiency which was "resolved" by production of a paper plan

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RCSE response to ASLB
recommendations to Commission

by the state of New York and drills in procedures. There can be no "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" for the people of Rockland when ELEVEN of the sixteen emergency planning standards are largely or completely unmet. Even the fact that FOUR of these standards were judged inadequate by the ASLB was not enough to recommend enforcement action. Planning standards 1, 7, 10, and 15 were acknowledged deficient and rightfully so:

Planning Standard (1): There has been no demonstration that "each principal response organization has staff to respond and to augment its initial response on a continuous basis", indeed the volunteer ambulance corps have yet to promise any response, either in personnel or rigs.

Planning Standard (7): Yes, information HAS been made available to the public regarding actions to be taken in a (nuclear) emergency. However, in my many contacts with individuals and groups of people in the last year, practically no one is aware of what they are to do if they hear the sirens. Even if they should turn on the radio, planning does not require an immediate message to be present. The State drill, with much advance preparation, permitted a 5-minute delay in information even after all of the sirens in the county went off. Non-English-speaking peoples have nothing at all to which to refer and no radio stations to which to listen in the locality.

Planning Standard (10): Deficiencies noted by the Board in the "range of protective actions...for emergency workers and the public" were "insufficient attention...to protective actions during a severe winter storm" (Heaven help us this winter!), "plans for the protection of school children are in an unacceptable state of flux", (they certainly are. In fact, there ARE no plans yet except releasing them from school so that NO ONE is responsible.); and "insufficient attention...to identification of the non-institutionalized, mobility-impaired populace and the assessment of their needs". In fact, not only has this not been done for the thousands in question, but NO ONE, including the hospitalized and otherwise institutionalized, has means of transportation or other care identified (in the mobility-impaired category).

In addition, although sheltering is our major protective action in most instances, there is no assessment of the ability of the four counties to adequately shelter their populations. Assurances by Donald Davidoff, an attorney, that sheltering capabilities are adequate in the face of an airborne gaseous release hardly suffice. Had RCSE had the funds available to the Licensees, the NRC Staff, the New York State Public Service Commission and the State Energy Office, we would most certainly have provided expert

RCSE response to ASLB recommendations to Commission

testimony such as a principal author of the EPA's PROTECTIVE ACTION EVALUATION: THE EFFECTIVENESS OF SHELTERING AS A PROTECTIVE ACTION AGAINST NUCLEAR ACCIDENTS INVOLVING GASEOUS RELEASES, giving air filtration rates of standard buildings. Given the range of "Radionuclides with Significant Contribution to Dominant Exposure Modes" such as Iodine-131, Cesium-134 (750 day half-life), Cesium-137 (11,000 day half-life) as provided in NUREG-0654, page 18., we find it ludicrous, indeed, that the issue of sheltering is not taken seriously by the Board and others in charge of public health and safety.

Planning Standard (15): While acknowledging that the radiological emergency response training standard was not met, the Board judged the record "inconclusive", even though 24 officials and others testified as to its inadequacy and only 5 stated that training was "ongoing".

RCSE wishes to point out here that it does NOT consider that adequate training should include the distribution to emergency personnel of the American Nuclear Society's pamphlet, "Radiation - a Fact of Life", and a viewing of the Atomic Industrial Forum's film "Radiation--Naturally". Industry propaganda outlining the beneficial medical aspects of radiation and the amounts of radiation received from other sources have NO PLACE in training for reactor accidents. There are other ways to provide radiation information without such blatant avoidance of the issue at hand.

Of the remaining 12 of 16 Planning Standards in 50.47 (b), it is our contention at this point that (1), (5), (6), (8), (11), (12) and (16) are largely or totally unmet here in Rockland, either by the State compensating plan or by our own plan, still in the works. In many instances, in the State planning, procedures are identified on paper but true demonstration of their ability to be implemented has not or perhaps never will be performed. In fact, throughout most of the planning process, as throughout much of the ASLB deliberations, the "capable of being implemented" referred to in 50.47 must have little to do with common sense application. If, indeed, there is ever a major accident at Indian Point accompanied by a major release of radiation, the world will see that "the emperor has no clothes". Rockland's best efforts to come up with a plan will prove helpful in other occurrences and the planning effort has been beneficial for general coordination, but in a rapidly-moving, major release situation, we can not have "adequate protective measures" as outlined in 50.47. It is most unfortunate that FEMA and the ASLB could not see that.

RCSE response to ASLB
Recommendations to Commission

We will not pursue a detailed list of all that is incomplete in the planning process. Suffice it to say that:

- (1) Many emergency workers have no means of rapid notification, especially without the general population becoming alarmed and flooding the roads.
- (2) Communications is woefully inadequate and improvements may not be forthcoming before 1987, if then. The public telephone cannot be depended upon under such volumes expected in such an occurrence.
- (3) There is, as yet, no means of moving transit-dependent populations.
- (4) School children, including those of the RCSE Coordinator, have no assurance of safety. Even if bus drivers were able to get them home and walkers and car-poolers arrived home (no provision has been made for the many children who normally are car-pooled), there are so few people available in neighborhoods during the day that children would be loose on the streets. The persons designated as "health emergency" parent-substitutes may not be capable of leaving the area with our children in the event of a subsequent evacuation order, and parents attempting to return to Rockland County, especially from New York City or Westchester, will be turned back from roads designated as major egress routes for evacuating populations. Does anyone care that this is our situation?
- (5) If dosimeters are considered "means of controlling radiological exposures" for emergency personnel, then only a few such personnel have them. There is certainly no other protective gear for anyone, unless one considers firemen's garb to be such. If so, then it is woefully inadequate.
- (6) Medical services for contaminated injured individuals are minimal, limited to less than a total of ten in county hospitals. However, if contamination were to be a problem for a few injured people, then what would be the total picture for all people in the geographical area from which those individuals came? This will presumably be from an airborne release from across the river, not from breakage of a small radioactive package contaminating one or two individuals.
- (7) No provisions have been made for many groups of people in Rockland, including non-English speaking (the thousands identified by a very well qualified RCSE witness, Luis Del Pilar, were barely acknowledged by the ASLB, as were groups of children, senior citizens and others identified by other RCSE witnesses charged with their care).
- (8) The geographical orientation of Rockland, with Hudson River and mountains on 2 of its 3 sides, cannot be changed. Even a cursory glimpse at a map of Rockland

RCSE response to ASLB
recommendations to Commission

will show that our main escape routes in the event of an evacuation order would be south into New Jersey--an impossible situation on a normal rush hour, Saturday or summer week-end with thousands of park visitors on the roads. Would 1000 highly-paid experts have done better than that one glimpse of the map and some conventional wisdom? The cross-examination of our Sheriff's Chief should have cleared up any doubt that existed.

Finally, as to the question of RCSE's contention 3.4, that the Licensees cannot be depended upon to notify the proper authorities of an emergency promptly and accurately enough to assure effective response: during the re-formulation of contentions in April of 1982, the words "The administrative control of notification procedures at Indian Point Units 2 and 3 is so deficient..." were added to the original contention. Changes in administrative procedures claimed by Licensees do not change the fact that the proper authorities were not notified in the 1980 flooding incident and in the 1982 steam generator leak. The Board stated that it was "concerned with the lack of a sufficient explanation in the record for the delay in notifying local officials" of these two incidents, and that "no adequate reasons were provided why local officials were not informed promptly of these events". Still, the Board relied on testimony that Licensees' notification procedures are adequate and improving. Past performance does not show that Licensees can be depended upon, as we have contended. Licensees have been prompt about notifying authorities of the most minor of occurrences. It is the leak and one major containment flooding accident that were in question, and there is still no explanation. RCSE does not call that dependability.

In conclusion, we must state here that the RCSE position has always been that Indian Point should be closed, but it should be closed precisely because adequate emergency measures cannot be taken in Rockland County in the event of a major radiation release. Had such emergency planning been contemplated BEFORE the reactors were built, they would never have been built there, a fact which everyone seems to recognize now. Unsafe conditions, however, do not warrant continued existence of the potential hazard, especially for a locality which has nothing to gain and everything to lose.

Respectfully submitted,



Judith Kessler, Coordinator, RCSE

RCSE response to ASLB
recommendations to Commission

POST SCRIPT:

It should be noted here that the minutes of the December 15, 1983, Legislative Advisory Committee (Citizens Advisory Committee to Review Rockland County's own Nuclear Evacuation and Preparedness Plan and General Disaster Preparedness Plan) enumerate the areas of planning which were not complete. According to Deputy Director of Emergency Services Donald McGuire, those sections were Emergency Medical Services, Communications, Schools, Transportation and Public Information and Education.

We cannot imagine more significant areas than these, unless one wishes to somehow add a highway system that is totally inadequate for our population. That, of course, is not something which we can plan for; it's a given. It should also be noted that the presence of a plan on paper and the drilling of its procedures cannot prove that the plan will work once one has another component: people. And isn't "people" what emergency planning is all about? Or is it?

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