



WESTCHESTER COUNTY BOARD OF LEGISLATORS

803 COUNTY OFFICE BUILDING
WHITE PLAINS, NEW YORK 10601
(914) 682-2326

THOMAS F. KEANE, JR.
CHAIRMAN

ELMER J. MALONEY
CLERK

February 25, 1976

Hon. William Anders, Chairman
Nuclear Regulatory Commission
Washington, D.C.

RE: Resolution #21 - 1976

Dear Mr. Anders:

The attached Resolution was presented to the
County Board of Legislators in session on February 23,
1976 and was received, filed and approved.

The Board hopes that you will use all honorable
means to accomplish the stated purposes of said resolution.

Kindest regards,

A handwritten signature in cursive ink, appearing to read "Elmer J. Maloney".

Elmer J. Maloney
Clerk of the County
Board of Legislators

EJM:esn
Attachment

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OFFICE OF THE SECRETARY

Nuclear Regulatory
Commission

Rec-1/17/76
6 P.M.

STEVEN A. GALEF
County Legislator
44 Orchard Drive
Ossining, New York 10562

February 17, 1976

To the Westchester County Board of Legislators:

Many people in our County currently find themselves confused and concerned about the status of safety with respect to the operation of nuclear power generating facilities particularly in view of the fact that we have major plants located at Indian Point. This location may be closer to the population being served by the facility than any other generating plants in the United States. Within a twenty mile radius of Indian Point over 900,000 people reside including a majority of the population of Westchester County. This close proximity makes the confusion and concern that much more significant for us and a matter which we have a responsibility to consider.

Because of this situation, I call upon this Board of Legislators to request nothing less than the fullest and most capable independent publicly conducted examination possible of the status of safety at these Westchester County generating units. Certainly, the recent resignations by knowledgeable persons highly placed within the nuclear power industry when combined with the resignation of the United States Government's highest representative in the area of project safety at Indian Point, R.D. Pollard, provides added urgency to a call for an examination.

Recent articles in the Westchester-Rockland Newspapers indicate that at the present time only one of the generating stations at Indian Point is licensed and operative--Indian Point 2. Indian Point 1 has been closed due to lack of an emergency core cooling system which is too expensive to correct and Indian Point 3, while completed, is still being tested and is awaiting final licensing by the Nuclear Regulatory Commission. Mr. Pollard's allegations of safety hazards are aimed largely at Indian Point 2 but also apply to Indian Point 3. He has referred to the situation as "almost an accident waiting to happen." Indian Point 2 is supplying a significant amount of

power to New York City and Westchester. Mr. Pollard also suggests that there are problems with Indian Point 3 which require further exploration.

Mr. Pollard's basic objections apparently involve at least four areas:

1. Piping that penetrates the heavy containment vessel around the reactor core is not up to any one of the four design standard configurations that have been approved for safety by the Government.

2. Valves that would have to be shut off if an accident caused loss of the essential core cooling water are located where they would be underwater and unreachable if the cooking system failed.

3. Coolant pumps may be able to spin too fast and fly apart if the coolant were lost creating a hazardous condition.

4. Fail-safe electrical systems are not adequately separate so that there is the possibility of loss of the back-up system if the primary system is damaged.

He claims that these defects were not corrected because of a general attitude that with so much in the plant deficient there was no point in upgrading only these items.

Added to this situation is a challenge to permit issuance for Indian Point 3 based upon location along the Ramapo Fault. Hearings concerning this latter question are presently scheduled for April. Then too, there is reportedly a Con Edison application pending for permission to increase the storage facility for containing used nuclear fuel on the site. Spent fuel storage has become an increasingly important problem for the industry and presents even greater questions than some of the foregoing matters. In spite of attempts to solve this problem, there appears to be no solution in sight. Finally, there is an additional question of plant security. The plants are subject to sabotage and theft as well as a wide range of other security problems.

Against this background and because of the peculiar location of the Indian Point generating stations, I wish to request our Board to ask for a voluntary moratorium by the

State of New York and Con Edison in connection with the licensing and ultimate operation of Indian Point 3 until there has been a full, fair and public hearing and then determination of the facts with respect to Mr. Pollard's specific allegations. As part of this process, it may be possible to have a preliminary hearing for the purpose of determining whether there is an acceptable level of capacity at which Indian Point 3 could operate and to which Indian Point 2 could be limited which would significantly diminish risks.

The people of our County deserve no less than such a hearing. It is not sufficient to say that the myriad of past testimony and documentation is sufficient to put these issues to rest. Indeed, to help establish a better level of public credibility, a new approach is necessary. The establishment of the Nuclear Regulatory Commission was a first step in this direction but we must take it a step further to gain as much independence as possible.

We must have a proper forum in which fact can be separated from fiction on both sides of these issues and where an attempt can be made to reach a decision which will allow the public to understand and measure the trade off between risks and benefits in this area. These problems seem very difficult to resolve in the near future but the cry that there are no simple solutions is the rhetoric of inaction. The initial burden of proof must be with the industry and this burden should not be overcome by the fact that there is a pressing need for continued development of energy capacity. Alternatives are available from the coal industry and may soon be available in the form of solar energy. During a transitional period it is important that caution and discretion be exercised to the utmost.

We can begin by asking the Nuclear Regulatory Commission to report on the itemized allegations of Mr. Pollard. This is essential. Simultaneously we can work towards establishing an appropriate forum in which a proper determination can be reached. The accompanying resolution would accomplish an important first step in these directions.

I urge this Board to act upon these requests.

Very truly yours,



Steven A. Galef

RESOLUTION#21-1976

To the Board of Legislators
Westchester County, New York

WHEREAS, there has arisen a serious set of allegations with respect to the nuclear generating facilities at Indian Point in Westchester County; and

WHEREAS, there are claims and counterclaims being made with respect to these allegations and other matters relating to the safety and security of these facilities; and

WHEREAS, the people of Westchester reside in an area that is geographically close to this facility, in fact closer than concentrations of population in any other area of the United States to such a facility, and, accordingly, are significantly endangered if any of these allegations are correct or substantially correct; and

WHEREAS, time is needed to make a sufficient determination of the balance between the benefits and the risks from the operation of these facilities.

NOW THEREFORE BE IT RESOLVED:

That this Board calls upon the State of New York and Consolidated Edison to declare a voluntary moratorium in connection with the licensing and operation of the Indian Point 3 generating facility; and

That this Board requests the Nuclear Regulatory Commission to examine the specific claims presently being raised with respect to the safety of Indian Point 2 and Indian Point 3; and

That this Board seek all other available means to obtain a full, fair and public hearing and determination by an independent examiner including, but not by way of limitation, a Science Court with a panel of experts which can provide such a forum.

STATE OF NEW YORK)
County of Westchester)

I HEREBY CERTIFY that I have compared the foregoing Resolution No. 21-1976 with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original resolution which was received filed and approved by the County Board of Legislators of said County on FEBRUARY 23, 1976.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the Corporate Seal of said County
Board of Legislators.

FEBRUARY 24, 1976.

COUNTY BOARD OF LEGISLATORS

CLERK

No. 76-1365

Logging Date 3/8/76

NRC SECRETARIAT

TO:	<input type="checkbox"/> Commissioner	Date _____
	<input checked="" type="checkbox"/> Exec. Dir./Oper.	<input type="checkbox"/> Gen. Counsel
	<input type="checkbox"/> Cong. Liaison	<input type="checkbox"/> Solicitor
	<input checked="" type="checkbox"/> Public Affairs	<input type="checkbox"/> Secretary
	<input type="checkbox"/>	

Incoming: Elmer J. Maloney, Clerk of the County,
From: Board of Legislators, Westchester County,
White Plains, N.Y.
To: Chairman Anders Date 3/2/76
Subject: Passage of Resolution #21-1976 calling for
a voluntary moratorium on Indian Pt. 3 and request for
itemized response of Pollard's allegations.

- Prepare reply for signature of:
 Chairman
 Commissioner _____
 EDO, GC, CL, SOL, PA, SECY
 Signature block omitted

 Return original of incoming with response
- For direct reply* SUSPENSE: March 22
 For appropriate action
 For information
 For recommendation

Remarks: Reticketed due to the fact that it calls for
a response. Copies to OCP, Chm., Com.

RF

For the Commission:

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

FROM Elmer J. Maloney, Clerk of Westchester County Board of Legislators White Plains, N. Y.	CONTROL NUMBER 9934	FILE LOCATION															
TO Chairman Anders	DATE OF DOCUMENT 2/25/76	ACTION COMPLETION DEADLINE 3/22/76															
DESCRIPTION Ltr	ACTION PROCESSING DATES Acknowledged Interim Reply Final	PREPARE FOR SIGNATURE OF: Chairman Director of Regulation X Rusche															
REMARKS																	
<p>Resolution calling for a moratorium on licensing of Indian Point 3, urging public hearings on safety of Indian Point 2 & 3, & req report on itemised allegations of Pollard</p> <p>Enclosure: Resolution</p> <p style="text-align: right;">SECY 76-1365</p> <table border="1"> <tr> <td>REFERRED TO Rusche</td> <td>DATE 3/9/76</td> <td>IS NOTIFICATION TO THE JCAE RECOMMENDED?</td> </tr> <tr> <td></td> <td></td> <td>Cys: Case Shaper Docket Files) 50-247 50-286</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			REFERRED TO Rusche	DATE 3/9/76	IS NOTIFICATION TO THE JCAE RECOMMENDED?			Cys: Case Shaper Docket Files) 50-247 50-286									
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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROLForm HQ-32 (1-73)
USAEC

No. 76- 1365 Logging Date 3/8/76

NRC SECRETARIAT

TO:	<input type="checkbox"/> Commissioner _____	Date _____
	<input checked="" type="checkbox"/> Exec. Dir./Oper. _____	<input type="checkbox"/> Gen. Counsel _____
	<input type="checkbox"/> Cong. Liaison _____	<input type="checkbox"/> Solicitor _____
	<input checked="" type="checkbox"/> Public Affairs _____	<input type="checkbox"/> Secretary _____
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For the Commission: J. Philip Gould

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		Cys: Case Shaper Docket Files) 50-247 PM 50-246	

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-75)
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