



Before the

Atomic Energy Commission
Indian Point #3 Application

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ATOMIC ENERGY COMMISSION

1969 JUN 11 AM 9 15
INTERVENOR'S FINDINGS OF FACT

AND CONCLUSIONS

OFFICE OF
HEARING EXAMINERS

Citizens Committee for Protection of the Environment

There is a force in civilized society that takes precedence over the principles of technology and the letter of the law - that is, common sense.

The following facts that are well known to all parties or were brought out in the Hearing show that the applicant did not and cannot produce "reasonable assurance" that the proposed facility can be constructed and operated "without undue risk" to public health and safety:

1. No reactor of the size and type proposed for the Indian Point #3 site has ever been completed, tested or operated.
2. The reactor will rely on systems to control consequences of a possible accident that have not been tested or perhaps cannot be tested.
3. The applicant failed to demonstrate any public good or benefit from the proposed reactor. The development of nuclear power, deemed by Congress to be in the national interest, in 1954, must be reevaluated in the light of the vast expense and negligible results that have been the product of 15 years.

How can there be any public benefit when the AEC licenses reactors under the "research" section of the Act and deliberated repeatedly but on each occasion failed to make a finding that current reactors are of "practical value"?

4. Granting a construction license would result in the spending of more than \$150 million for a second large reactor in an area more densely populated than any yet approved by the AEC for even a single reactor, except for Indian Point #2 which will not be completed until late in 1970. Common sense and ordinary business prudence suggests that any permit to build a second reactor be suspended until Indian Point #2 has demonstrated safety in actual operation.

5. The slipshod manner in which monitoring equipment for the small Indian Point #1 has been maintained, and the failure to do adequate meteorological studies do not provide "reasonable assurance" that the applicant will exercise proper precautions for the health and safety of the public. Mr. Cahill's assurance that the company will take the Board's comments "to heart and correct" the situation is not sufficient security. The failure of the AEC Compliance Division to detect these departures from good operating practice has not been explained to the public.
6. The Citizens Committee for Protection of the Environment received an acknowledgement from the applicant that neither Indian Point #2 nor #3 incorporate the spent fuel pit within the containment. In both projects, the spent fuel is enclosed only by thin walls of a shed. Since about half of the time, fuel elements will be stored here so that thermal effects and radioactivity can dissipate before shipment to a reprocessing facility, it is mandatory for public health and safety that such an enormous source of high-level radioactivity be protected against accidents or wind of high velocity which could loose radio-nuclides into the environment.
7. In a Closing Statement on May 15, which appears in the Transcript, the Citizens Committee requested the Board inform it within 10 days of the action taken to bring a phenomenon reported by Intervenor Mary Hays Weik to the attention of the Atomic Energy Commission. No information has been received by the Citizens Committee. The potential gravity of the situation reported requires prompt attention. Unless the Atomic Energy Commission makes a detailed examination of the area to determine whether or not the operation of Indian Point #1 is involved in the 20 reported cancer deaths, the Citizens Committee will request the assistance of other governmental agencies and seek independent investigation.
8. In the light of conditions revealed by the Hearing on Indian Point #3, and the intention of the AEC to have multiple units considered as a single entity, the Citizens Committee requests a Public Hearing in connection with Con Edison's application for an Operating License for Indian Point #2. The ability of Indian Point #3 to be built and operated with "reasonable assurance" clearly depends on the setting of technical specifications for Indian Point #2. According to testimony of the applicant and the AEC staff, such technical specifications have not been established but will be in connection with the application for an Operating License.

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June 6, 1969



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
(Indian Point Nuclear Generating
Unit 3)

Docket No. 50-286

CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVIEWER'S FINDINGS OF FACT AND CONCLUSIONS dated June 6, 1969 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 11th day of June 1969:

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