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DEPARTMENT OF COMMERCE 112 STATE STREET ALBANY, N. Y., 12207
NEAL L. MOYLAN, COMMISSIONER

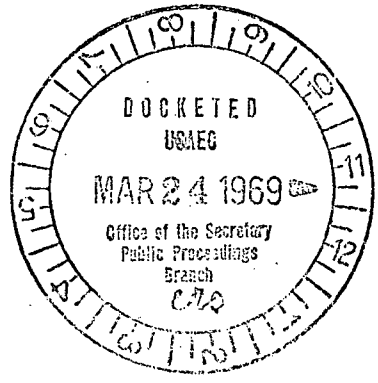
March 20, 1969

- Thomas S. Inganaham
Commissioner of Health
- Executive Secretary
Neal L. Moylan
Commissioner of Commerce
- Dr. James E. Allen, Jr.
Commissioner of Education
- Dr. Martin P. Catherwood
Industrial Commissioner
- R. Stewart Kilborne
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- Richard Lewison
Secretary of Labor
- John A. Lundy
Public Safety Commissioner
- John H. Mansend
Secretary of Economic and Space Development

Samuel W. Jensch, Esq.
Chairman, Atomic Safety and
Licensing Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. Thomas Pigford
c/o Thermo Electron Corporation
85 First Avenue
Waltham, Massachusetts 02154

Dr. John C. Geyer
Chairman, Department of Sanitary
Engineering and Water Resources
Johns Hopkins University
Baltimore, Maryland 21203



Dear Sir:

Re: Consolidated Edison Company of
New York, Inc. - Docket 50-286

In accordance with agreements reached at the prehearing conference in the captioned matter held March 11, 1969, enclosed is a copy of a Resolution of the New York State Atomic Energy Council which the Council will offer as an exhibit at the hearing scheduled for March 25, 1969.

I have this date filed, by mail, a copy of this letter of transmittal and twenty copies of the enclosed Resolution with the Secretary of the Atomic Energy Commission.

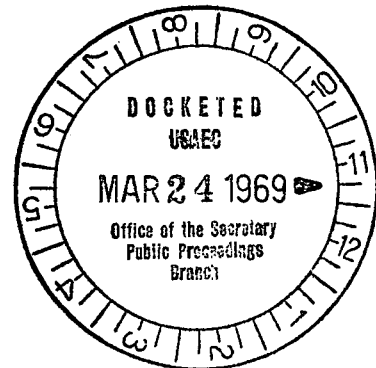
Copies of this letter of transmittal and of the Resolution have also been sent by mail to the Board alternates and to all other parties in the proceeding.

Sincerely,
Joseph F. Scinto
Joseph F. Scinto, Esq.

Enclosure

NEW YORK STATE ATOMIC ENERGY COUNCIL

Attached is a copy of a resolution
unanimously adopted by the New York
State Atomic Energy Council at its
meeting, March 17, 1969.



RESOLVED that the New York State Atomic Energy Council adopts the following Statement in connection with the Application to the U. S. Atomic Energy Commission by Consolidated Edison Company of New York for a Permit to Construct its Third Nuclear Facility at Indian Point, in the Village of Buchanan, N. Y.

The New York State Atomic Energy Council is established by statute to serve as the coordinating body for the interests of various State agencies and political subdivisions which may affect or be affected by the growth in use of various forms of atomic energy in the State of New York.

The members of the Atomic Energy Council are: the Commissioner of Health, who is Chairman; the Commissioner of Commerce, who is Executive Secretary; the Commissioner of Education; the Conservation Commissioner; the Industrial Commissioner, the Chairman of the Public Service Commission; the Chairman of the Atomic and Space Development Authority; and the Economic Development Administrator of the City of New York.

The general functions of the Atomic Energy Council include: advising the Governor and the Legislature with regard to regulation and control of atomic energy; coordinating State regulatory programs affecting atomic energy activities; and coordinating State participation in Federal regulatory programs affecting atomic energy activities in New York.

With respect to atomic energy activities which are regulated by the U. S. Atomic Energy Commission, such as those involved in the forthcoming public hearing to be held by the U. S. Atomic Energy Commission in connection with the application of Consolidated Edison Company of New York for a permit

to construct its third nuclear power facility at Indian Point, in the Village of Buchanan, New York, the Council serves as the focal point for the exchange of information provided for by the Memorandum of Understanding between the State and the Commission dated May 7, 1965, and serves as the focal point for the various agencies of the State to develop a coordinated position or comments and to present such position or comments to the Atomic Energy Commission.

In connection with the forthcoming proceeding, to assure that the interests of the State and its citizens are fully protected, State agencies whose functions may involve and have an interest in the proposed project have been informed as to the filing and progress of the license application of the Consolidated Edison Company. In cooperation with the State, the Consolidated Edison Company presented a briefing for interested State officials in New York City on June 2, 1967, which was attended by representatives of Department of Agriculture and Markets; Air Pollution Control Board; Atomic and Space Development Authority; Division of the Budget; Civil Defense Commission; Department of Commerce; Department of Conservation; Department of Education; Department of Health; New York City Department of Health; Hudson River Valley Commission; Department of Labor; Department of Law; Office for Local Government; Public Service Commission, and Water Resources Commission.

The staff of the Atomic Energy Council has worked closely with the State Departments of Health and Conservation

and the New York City Department of Health.

In its review, the Council has been pleased to note that Consolidated Edison's decision to construct a third nuclear power plant at Indian Point is consistent with the conclusions and recommendations of the Governor's Electric Power Committee. This select Committee was appointed by the Governor under the chairmanship of Dr. Richard Folsom of Rensselaer Polytechnic Institute to study the State's electric power requirements and to make recommendations relating thereto. The Committee, in its report, dated December 15, 1967, recommended expediting the construction of nuclear power plants which "not only can aid materially in reducing air pollution, but which also now indicate[s] generation costs lower than those for fossil fuel generation in high cost fuel areas such as New York State".

It is of paramount importance to the State that any project within the State, new or old, whether nuclear or non-nuclear, be constructed and operated so as to fully protect the public health and safety.

To this end, the staffs of the various State agencies and the New York City Department of Health have considered the application and had a number of discussions with the U. S. Atomic Energy Commission's staff in regard thereto; and have considered the report of the Advisory Committee on Reactor Safeguards and the AEC staff evaluation. We feel that the significant radiation protection safety issues have been well identified and have been carefully and adequately considered

by the applicant, the Advisory Committee on Reactor Safeguards and the U. S. Atomic Energy Commission staff.

Upon the advice of the Department of Health, whose report to the Council is appended hereto, and of the other members of the Council and other agencies whose staffs have participated in the review of this project, the State Atomic Energy Council believes that, with respect to radiological protection, the proposed project can be constructed and operated consistent with public health and safety and the public interest.

Design details may, in the course of their development, require further evaluation and review. We anticipate none that cannot be resolved in an appropriate manner. In order to assure that the best interests of the people of the State of New York will continue to be served, we will continue to review the project as additional information is developed and to continue to provide a mechanism whereby views of members of the Council and those of other interested State agencies can be expressed.

Report of the Department of Health in Connection with an Application of Consolidated Edison Company to the United States Atomic Energy Commission for a Construction Permit to Construct a Third Pressurized Water Reactor Adjacent to the First Pressurized Water Reactor and Located on the Easterly Side of the Hudson River at Indian Point in the Village of Buchanan, Westchester County, New York.

The New York State Department of Health's interest in nuclear power generating stations stems from the Department's responsibilities in ionizing radiation, water pollution and air pollution.

Representatives of our Divisions of General Engineering and Radiological Health, Pure Waters and Air Resources have reviewed pertinent portions of the Preliminary Safety Analysis Report, Exhibit B, Volumes 1 and 2, and the supplements which the Consolidated Edison Company of New York, Inc., submitted to the United States Atomic Energy Commission as Exhibit B to support its application for a permit to construct a third nuclear power generating station at the Indian Point site. Staff members of the Health Department have consulted with representatives of the Consolidated Edison Company, the United States Atomic Energy Commission and the United States Public Health Service to review the plant design as it relates to environmental releases.

Five comprehensive environmental survey reports have been prepared by Department staff with assistance from full time local Health Departments. These reports were distributed to the applicant, U. S. Public Health Service and the United States Atomic Energy Commission.

The reports summarize the characteristics of the area within 20 miles of the Indian Point site and give data on radiological findings.

The area surveyed has not changed significantly since the 1966 report. The area is mostly residential with some recreational parks. Agricultural areas including dairy farms are primarily on the west bank of the Hudson and south and southeast of the site. Downstream the Hudson River is used for industrial cooling. The nearest potable water intake on the Hudson River is 20 miles upstream.

The Department has monitored for external radiation levels and radioactivity in air, water, milk and vegetation in the vicinity of the Indian Point site since 1958. Results have been published in periodic summary reports referred to above and quarterly issues of the Radioactivity Bulletin. The applicant has kept the Department

fully informed of environmental releases for Unit No. 1. There has been mutual cooperation in establishing a satisfactory environmental surveillance program.

In the past fallout from nuclear weapons testing has been the prime cause of measurable concentration of specific radionuclides in environmental samples. The decline in fallout as a result of cessation of nuclear weapons testing permits better detection of low levels of radioactivity in the environment from nuclear plant discharges. Review of surveillance data around Indian Point site shows no measurable increase in background that can be attributed to Unit No. 1 except that of recent samples of aquatic vegetation. This shows a slight increase in the level of manganese 54, an activated corrosion product present in liquid waste discharges from the plant, due to reconcentration. Manganese 54 was not similarly being reconcentrated in fish and the Department attaches no health significance to these results. Similar findings were reported by the Institute of Environmental Medicine New York University in Progress Report No. 3, "Ecological Survey of the Hudson River", dated September 30, 1968. The surveillance program will be modified as needed to follow the radioactivity levels and to continually evaluate the results with respect to public health significance.

We recognize the efforts of the company in its actual operation of Unit No. 1, and endorse its proposed operation of Unit No. 3 to maintain releases well below the limit of the Commission regulations. The State Health and Conservation Departments will continue to coordinate their pre and post radiological operational surveys with the U. S. Fish and Wildlife Service. We endorse the Atomic Energy Commission's statement that they would impose additional restrictions in accordance with 10 CFR Part 20.106(e) to limit discharges if it appears to be required in view of total intake considerations. These efforts by the applicant to provide routine surveillance and to maintain levels below regulatory limits is in accord with our State programs to provide a quality environment. In view of the possibility of multiple radiological discharges from nuclear power plants located on the Hudson River or its tributaries, we believe that radioactive releases and their effect upon the environment must be reviewed continuously to insure that release rates are modified as needed. The State Health Department will continue its close cooperation with the U. S. Atomic Energy Commission to assure that releases from nuclear power plants in New York State will have no undue risk to the health and safety of the public.

We have discussed this application with representatives of the New York State Conservation Department. The proposed surveillance program established in the vicinity of the Indian Point site including the program recommended by the U. S. Fish and Wildlife Service will provide an adequate program to protect the State's fish and wildlife resources. If the oyster propagation potential of the lower Hudson River is again developed, radiological monitoring will be immediately extended to include evaluation of radioactivity in shellfish.

The New York State Health Department's Division of Pure Waters has jurisdiction for granting industrial waste discharge permits in accordance with the policies established by the Water Resources Commission and consults with the New York State Conservation Department staff on waste discharge applications that may affect the fish and wildlife resources. We are currently reviewing an application for Unit No. 3 which will include the thermal effects.

The atmospheric discharges of radioactivity from Unit No. 1 have been a small fraction of permissible limits. If atmospheric releases increase appreciably, although not expected, surveillance would be increased to detect levels and trends.

The USAEC's Safety Evaluation of Unit No. 3 includes an evaluation of the radiological consequences at the boundary of the exclusion area and at the outer boundary of the low population zone resulting from various postulated accidents.

Procedures cooperatively worked out between the company and the Department provide that the company is to notify the Department immediately of any accidental releases and the Department will help to evaluate any environmental contamination. Data in the Department's environmental survey reports would permit the rapid assessment of possible vectors of exposure following an accidental release. The Department would then assure that corrective action is taken as necessary to minimize the exposure to the public.

In summary, we believe that discharges of radioactivity from the proposed facility can be maintained within appropriate limits. The applicant is urged to provide the highest quality of operation of the plant as it has to date in the operation of Indian Point No. 1 in order to minimize the radioactivity releases to the environment. The Department is prepared to cooperate with the Commission and the applicant, in evaluating and establishing appropriate release limits. We will continue to review information submitted by the applicant for the Final Safety Analysis Report.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
(Indian Point Unit No. 3)

Docket No. 50-286

CERTIFICATE OF SERVICE

I hereby certify that a copy of a letter dated March 20, 1969, with attached Resolution, to the Atomic Safety and Licensing Board from the State of New York Atomic Energy Council, has been served on the following by deposit in the United States Mail, first class, this twenty-fourth day of March, 1969:

Honorable Richard L. Ottinger
House of Representatives
Washington, D. C. 20515

C. R. Stephens

Office of the Secretary



cc: Mr. Jensch
Mr. Conner
Mr. Nellis
Mrs. Blunt
Mrs. Smith