

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '01 DEC 14 P2:27
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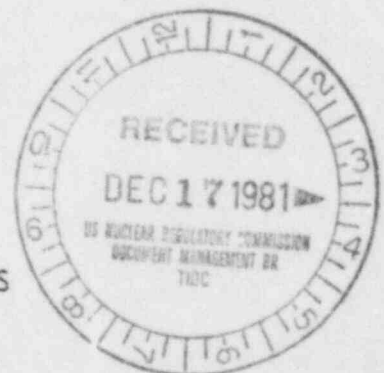
In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point Unit 2)

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point Unit 3)

Docket Nos. 50-247 SP
50-286 SP

PETITION FOR LEAVE TO AMEND
PETITION FOR INTERVENTION
OF NEW YORK CITY COUNCILMEMBERS
AND TO ADD EIGHT ADDITIONAL SIGNATORIES



I, Ruth W. Messinger, on behalf of myself, Miriam Friedlander, Carol Greitzer, Stanley E. Michels, Susan D. Alter, Edward C. Wallace, Mary Pinkett, Mary T. Codd, Gilberto Gerena-Valentin, and Arthur J. Katzman, all signatories of the Petition for Intervention of the members of the Council of the City of New York, seek leave to amend that document as follows:

A. Amend paragraph 1. of the Petition for Intervention to read as follows:

1. Ruth Messinger, Miriam Friedlander, Carol Greitzer, Stanley E. Michels, Susan D. Alter, Edward C. Wallace, Mary Pinkett, Mary T. Codd, Gilberto Gerena-Valentin, Arthur J. Katzman, Robert S. Steingut, Abraham G. Gerges, Frederick E. Samuel,

*DSOM
5/11*

Wendell Foster, Morton Povman, Theodore Silverman, Stephen B. Kaufman, and Robert Dryfoos are all members of the Council of the City of New York, and, as such, each a representative of a municipality. Together we represent close to five and a half million constituents who reside in our districts on whose behalf we hereby seek leave to intervene as Interested State in the Indian Point Atomic Safety and Licensing Board proceeding, pursuant to 10 C.F.R. § 2.715(c).

B. Amend the Petition for Intervention by adding paragraphs 3. through 5. as follows:


3. Our concern for protection the health, safety, and well-being of our constituents has been long standing, with regard to the potential consequences of a radiological accident at Indian Point without adequate emergency plans in place to protect the residents of New York City. This concern is evidenced by the passage of a series of resolutions by the Council of the City of New York (attached) regarding potential dangers posed by the Indian Point reactors 25 miles north of the city. (Please note that two of these resolutions request hearings in New York City; we hope that at least a portion of the hearing sessions will thus be held here.)

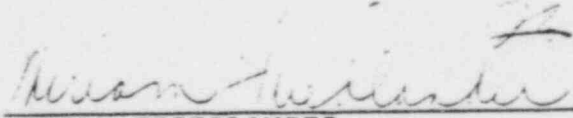
4. There is no other New York City interested state in this proceeding. The Mayor's Office has not sought to intervene; nor have any Departments of the City of New York sought party status.

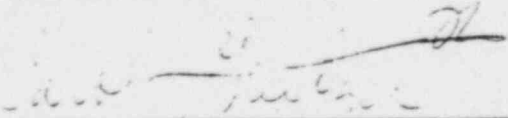
5. The New York State Energy Office, far from representing our constituents with regard to health and safety, has failed to provide adequate radiological emergency plans for the residents of New York City. That Office has not even recommended or suggested


that such plans be developed and implemented, relying instead solely on generic federal guidelines which neglect to take into account the unique characteristics and problems of densely populated municipalities near nuclear power plants which, like New York City, could suffer grave consequences to public health and safety in the event of an accident involving radiation releases to the environment.

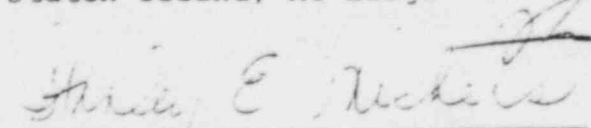
C. Amend the signature section of the Petition for Intervention as follows to include eight additional Councilmembers:

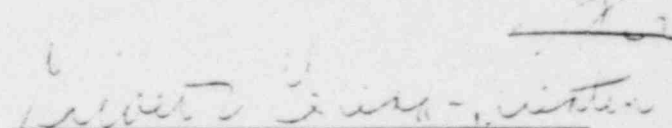

RUTH MESSINGER
Council of the City of New York
City Hall
New York, New York 10007
District #4

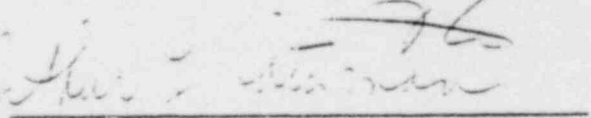

MIRIAM FRIEDLANDER
Council of the City of New York
City Hall
New York, New York 10007
District #2

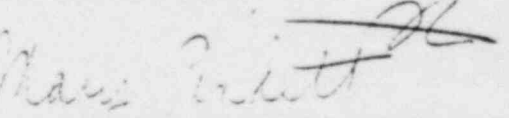

CAROL GREITZER
Council of the City of New York
City Hall
New York, New York 10007
District #3



MARY CODD
Council of the City of New York
City Hall
New York, New York 10007
Staten Island, At-Large

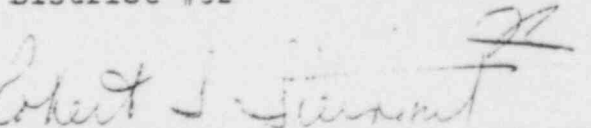

STANLEY E. MICHELS
Council of the City of New York
City Hall
New York, New York 10007
District #6

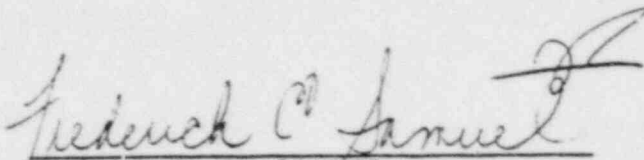

GILBERTO GERENA-VALENTIN
Council of the City of New York
City Hall
New York, New York 10007
District #11

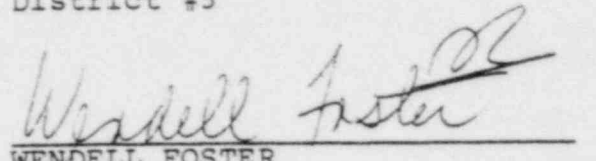

ARTHUR J. KATZMAN
Council of the City of New York
City Hall
New York, New York 10007
District #22

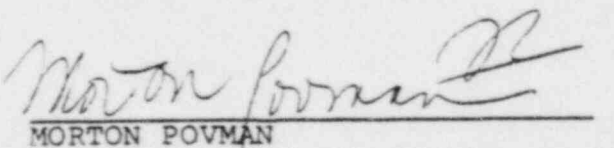

MARY PINKETT
Council of the City of New York
City Hall
New York, New York 10007
District #28

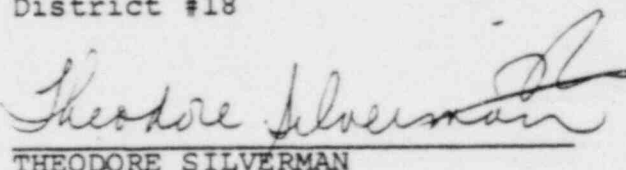

SUSAN ALTER
Council of the City of New York
City Hall
New York, New York 10007
District #32

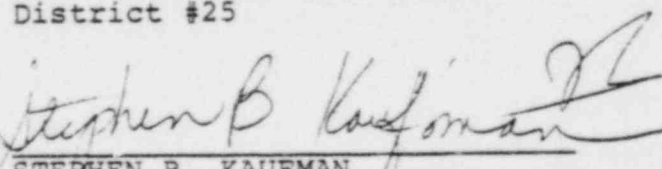

ROBERT S. STEINGUT
Council of the City of New York
City Hall
New York, New York 10007
Brooklyn, At-Large

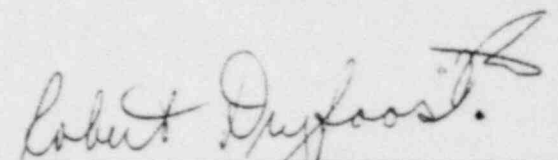

FREDERICK E. SAMUEL
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #5

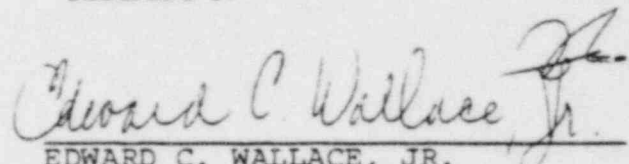

WENDELL FOSTER
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #9

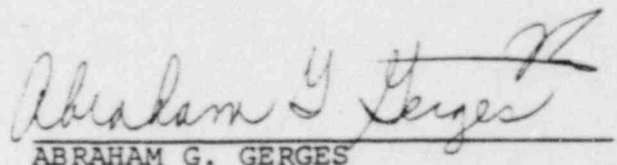

MORTON POVMAN
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #18


THEODORE SILVERMAN
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #25


STEPHEN B. KAUFMAN
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #13


ROBERT DRYFOOS
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #7

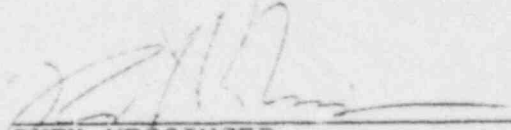

EDWARD C. WALLACE, JR.
 Council of the City of New York
 City Hall
 New York, New York 10007
 Manhattan, At-Large


ABRAHAM G. GERGES
 Council of the City of New York
 City Hall
 New York, New York 10007
 District #29

I have been authorized by my colleagues to submit this petition for leave to amend and to coordinate their participation in the the proceeding. I hereby request that service of all

documents be made to me.

Respectfully submitted,



RUTH MESSINGER
Council of the City of New York
City Hall
New York, New York 10007
District #4

December 10, 1981

THE COUNCIL

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April 14, 1981.

Res. No. 1494

Resolution Calling Upon the Mayor to Instruct the Appropriate City Agencies to Prepare Specific Emergency Plans to Protect the Residents of New York City in the Event of a Major Accident at the Indian Point Nuclear Plants.

By Council Member Messinger; also Council Members Alter, Codd, Eisland, Friedlander, Gerena-Valentin, Katzman, Leffler, Michels, Orlow, Streingut and Stern—

Whereas, The three Indian Point nuclear reactors, located 25 miles north of New York City, pose a potential threat to the health and safety of 19 million people living within 50 miles of the plants, including all New York City residents; and

Whereas, Portions of New York City are within 50 miles of two other nuclear plants, Oyster Creek in Toms River, New Jersey (in operation), and Shoreham on Long Island (in construction); and

Whereas, The March, 1979 accident at the Three Mile Island nuclear plant served to alert the country of the possibility of major accidents at nuclear generating stations; and

Whereas, The Kemeny Commission, Rogovin, and Congressional investigations of the accident all emphasized the lack of emergency preparedness at Three Mile Island and the need for emergency plans to protect the public in the event of future nuclear plant accidents; and

Whereas, The Nuclear Regulatory Commission has enunciated a new safety policy to the effect that, henceforth, emergency planning will be considered of equal importance to plant design and siting; and

Whereas, In August, 1980, the Nuclear Regulatory Commission published new regulations requiring emergency planning for 10- and 50-mile Emergency Planning Zones (EPZs) around nuclear power plants; and

Whereas, These regulations require sheltering and evacuation plans for the 10-mile EPZ, but only the monitoring of ingestion substances (fresh foodstuffs, milk and water) for the 50-mile EPZ, requiring no further emergency procedures to protect the public beyond 10 miles from direct radiation exposure; and

Whereas, In the aftermath of a major radiation release from Indian Point, wind and weather conditions could result in direct radiation exposure of New York City residents in excess of Environmental Protection Agency dose guidelines, which could cause large numbers of thyroid tumors, cancers, genetic effects, and even early fatalities; and

Whereas, A major accident at Indian Point could necessitate emergency measures for sheltering New York City residents from dangerous levels of radiation and later evacuating them out of contaminated sections of the City; and

Whereas, Any evacuation for regions within 10 miles of Indian Point could reasonably be expected to trigger panic and extensive voluntary self-evacuation throughout the metropolitan region, including from New York City—even if there were no radiation threat to our city; and

Whereas, New York City might have to serve as a reception center for evacuees from areas closer to the plant, requiring shelter, food, and medical care; and

Whereas, After the accident at Three Mile Island, Robert Ryan, then Director of State Programs at the Nuclear Regulatory Commission, stated:

"... it is insane to have a 3-unit reactor on the Hudson River in Westchester County, 40 miles from Times Square, 20 miles from the Bronx. It's a nightmare from the point of view of emergency preparedness.

"Everybody says what a terrible situation we had at Three Mile Island, and I agree, but can you imagine what it would have been if it had been at Indian Point."

and

Whereas, At present, New York City has no specific emergency plans for coping with an accident at Indian Point; and

Whereas, Prevention of panic and protection of public health and safety for New York City residents necessitates extensive advance planning and public education, specific sheltering and relocation procedures, and possibly a potassium iodide distribution program—none of which has to date been undertaken by our city; and

Whereas, It is the clear responsibility of the Council of the City of New York and the Mayor to protect the health and safety of New York City residents; therefore, be it

Resolved, That the Council of the City of New York requests the Mayor to instruct the Office of Civil Preparedness, the Bureau for Radiation Control, the Department of Health, and other appropriate agencies to begin immediately to prepare sheltering and relocation plans, advance public education programs, and decontamination procedures to deal with potential radiation fall-out resulting from an accident at Indian Point (or other nuclear power plants near our city) affecting all or part of New York City.

5 Approved

THE COUNCIL



December 11, 1979.

Amended Res. No. 84- A.

Resolution Calling Upon the United States Nuclear Regulatory Commission to Schedule At Least One Hearing in New York City Whenever They Schedule Hearings on the Indian Point Nuclear Power Plants.

By Council Member Greitzer; also Council Members Codd, Foster, Friedlander, Gerges, Messinger, Michels, Katzman, Pinkett, Spigner, Aiter and Eisland—

Whereas, The Indian Point nuclear power plants are less than 30 miles from New York City; and

Whereas, The Chairman of the Nuclear Regulatory Commission has in fact stated that operations of nuclear plants located close to major population centers may have to be cut down or eliminated altogether if viable emergency evacuation plans are deemed impossible; and

Whereas, Questions have been raised by public officials as to the very possibility of any effective evacuation of New York City in the event of a nuclear accident; and

Whereas, Because of the large concentration of people living in New York City, an accident at Indian Point would have a relatively great impact here, especially with respect to evacuation problems; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the United States Nuclear Regulatory Commission to schedule at least one hearing in New York City whenever they schedule hearings on the Indian Point Nuclear Power Plants.

Adopted.

THE COUNCIL

— 346 —

September 18, 1979.

Amended Res. No. 743-A

Resolution Calling Upon the U.S. Nuclear Regulatory Commission to Require Con Ed and the Power Authority State of New York (PASNY) to Bring Indian Point Plants 2 and 3 Up to the Required Safety Standards, and if Plants 2 and 3 Fail to Meet the Safety Requirements, the Nuclear Regulatory Commission Should Order Their Phasing Out.

By Council Member Friedlander; also Council Members Codd, Eisland, Foster, Gergna-Valentin, Gerges, Greitzer, Messinger, Siegelgut, Trichter, Katzman, Pinkett and Alter—

Whereas, The permits to build and operate the Indian Point nuclear power plants only 30 miles from New York City were based on the Atomic Energy Commission conclusion that probable serious accidents were so low that Indian Point plants would not require protection for the public against serious accidents such as core meltdown; and

Whereas, The accidents at the Three Mile Island and other nuclear power plants have demonstrated that nuclear plants, even new ones, are prone to breakdown and accidents; and

Whereas, In the event of a serious accident contaminants can easily be released into New York City's water supply at Kensico and Croton reservoirs, which are in close proximity to the plants; and

Whereas, Plant No. 2 has a record of 146 unscheduled service interruptions in the last five years—twice as many as the national average for nuclear power plants—and is now operating with a "C" rating, one of the lowest in the nation; and

Whereas, These plants are located on the Ramapo Fault with the inherent danger of earthquake damage; and

Whereas, The Subcommittee on Environment, Energy and Natural Resources of the House Government Operations Committee has recommended that the Federal government make the establishment of an emergency evacuation plan a condition for the continued operation of nuclear power plants; and

Whereas, New York City public health authorities have also recommended that the Nuclear Regulatory Commission change its regulations to make effective evacuation plans a mandatory requirement; and

Whereas, No plan for the evacuation of New York City has been established—nor is such a plan possible—and an accident or a serious malfunction of any of the Indian Point plants could endanger the lives of the 20 million residents of the New York City metropolitan area; and

Whereas, Any major malfunction at Indian Point would create fear and panic, causing irreparable damage to the people and property of the metropolitan area; and

Whereas, Officials of the Nuclear Regulatory Commission have publicly admitted that they would not now grant a permit for a plant at Indian Point and would seek an alternate site, clearly demonstrating that a nuclear plant at Indian Point is intrinsically unsafe; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the U.S. Nuclear Regulatory Commission to require Con Ed and the Power Authority State of New York (PASNY) to bring Indian Point plants 2 and 3 up to the required safety standards; and be it further

Resolved, That should plants 2 and 3 not comply with the safety requirements, that the Nuclear Regulatory Commission order their phasing out.

Adopted.

Resolution Calling upon the Federal Nuclear Regulatory Commission and the New York State Energy Office to Join with the City Council to Hold Public Hearings in New York City to Review the Operation and Safety Systems of All Existing and Proposed Nuclear Facilities within a 50-Mile Radius.

By Council Member Friedlander --

Whereas, The Three Mile Island nuclear power plant accident has already created sufficient radiation to significantly endanger the health and safety of all people in the surrounding small towns, causing the evacuation of children and pregnant women within a 5-mile radius and with preparations for an emergency evacuation within a 30-mile radius; and

Whereas, The initial malfunction was compounded by delays, technical and human errors plus a continuing inability to conduct detailed monitoring of the internal deterioration, degree of radiation and potentially explosive conditions; and

Whereas, The Three Mile Island plant was a new facility which should have benefited from past experience in design and construction, but the unanticipated series of failures resulted in the escape of radioactive gases, a potentially explosive "melt-down" and large accumulations of radioactive water, indicating that all nuclear power plants must still be considered experimental with malfunctioning safety systems and incalculable factors of human error; and

Whereas, The magnitude of radioactive contamination and its impact on surrounding air, food, water and earth (in addition to the vast quantity of radioactive waste products already in existence with no known safe means of disposal is yet to be determined; and

Whereas, Studies indicate that contaminated food and water can cause direct poisoning and that exposure to low level radiation can lead to sterility, cancer, blindness, lung disease, birth defects and general physical debilitation; and

Whereas, Within a 30-mile radius of New York City there are nuclear generating facilities located close to the Ramapo

Fault at Indian Point, and any major tremor could create dangerous radiation of a "melt-down" explosion which would probably require the evacuation of the entire metropolitan area of close to 20 million people; and

Whereas, Since the federal Nuclear Regulatory Commission has already closed down potentially unsafe plants across the country, prudence calls for a reexamination of all nuclear facilities within a 50-mile radius to guarantee that the people of The City of New York will not be faced with the kind of disastrous nuclear power plant accident now known to be possible; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the federal Nuclear Regulatory Commission and the New York State Energy Office to join with the City Council to hold public hearings in New York City within the next six months for government and private expert testimony on the reliability of the safety features, the soundness of construction, and the methods used to dispose of radioactive waste products of all existing and proposed nuclear power plants within a 50-mile radius of New York City.

UNANIMOUSLY ADOPTED BY THE NEW YORK CITY COUNCIL ON APRIL 10, 1979

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Docket Nos. 50-247 SP
50-286 SP

Edw. W. Packer ^{LL.}

Member, Council of the City of New York