

'82 JAN -4 AM 1:15
us

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Louis J. Carter, Chairman
Frederick J. Shon
Dr. Oscar H. Paris



_____)	
In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	
OF NEW YORK, INC.)	Docket Nos.
(Indian Point, Unit No. 2))	50-247 SP
)	50-286 SP
POWER AUTHORITY OF THE STATE)	
OF NEW YORK)	December 31, 1981
(Indian Point, Unit No. 3))	
_____)	

POWER AUTHORITY'S STATEMENT ON THE ISSUES RAISED
IN THE COMMISSION'S JANUARY 8, 1981
AND SEPTEMBER 18, 1981 ORDERS

The Power Authority of the State of New York
(Authority) hereby provides notice of its position on six of
the seven issues specified by the Nuclear Regulatory
Commission (Commission). The intervenors seek to recast the
issues in their language rather than in the language of the
Commission. They also seek to alter the order of the
presentation of the issues to the Board so that emergency
planning would be first on the agenda and the emergency to

*DS03
50/1*

be planned for, last. If there is logic in recasting and reordering, it can only be understood in the context of the private interest needs of the intervenors. To plunge into organizing and fund-raising issues prior to ascertaining the nature of the emergency to be planned for may provide the intervenors immediate economic gains. That, however, clearly is not what the Commission had in mind. Neither the quest for survival "[i]n the public-interest jungle"¹ or the nature of the private economic desires of the intervenors-- the UCS "is dependent upon its sponsorship contributions for its survival"²--should be allowed to alter the logical order of these proceedings.

- I. What Risk May Be Posed By Serious Accidents At Indian Point 2 and 3, Including Accidents Not Considered in the Plants' Design Basis, Pending and After Any Improvements Described in (2) and (4) Below? Although not requiring the preparation of an environmental impact statement, the Commission intends that the review with respect to this question be conducted consistent with the guidance provided the staff in the Statement of Interim Policy on "Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969." 44 FR 40101 (June 13, 1980).

1. Response of the Greater New York Council on Energy to NRC Staff and Licensee Answers to the GNYCE Petition for Leave to Intervene and to Prehearing Memoranda at 10 (Dec. 9, 1981).

2. Amendment to UCS' Petition for Leave to Intervene, and Response to NRC Staff, Consolidated Edison, and PASNY Challenges to UCS Standing to Intervene at 6 n.3 (Dec. 10, 1981).

The Authority's position. The level of safety of Indian Point Unit 3 is currently the subject of a two-year study being conducted for the Authority. Consistent with the Commission's intent, this study will address both "the probability of occurrences of releases and . . . the environmental consequences of such releases," and it "will take into account significant site and plant-specific features." NRC Memorandum and Order at 3 n.5 (Sept. 18, 1981), quoting 44 Fed. Reg. 40,101 (1980). This study will be provided to the Commission when it is available, which the Authority anticipates will be prior to the presentation of witnesses and evidence in this proceeding.

II. What Improvements in the Level of Safety Will Result From Measures Required or Referenced in the Director's Order to the Licensee, Dated February 11, 1980? (A contention by a party that one or more specific safety measures, in addition to those identified or referenced by the Director, should be required as a condition of operation would be within the scope of this inquiry if, according to the Licensing Board, admission of the contention seems likely to be important to resolving whether (a) there exists a significant risk to public health and safety, notwithstanding the Director's measures, and (b) the additional proposed measures would result in a significant reduction in that risk.)

The Authority's position. Certain improvements required or referenced in the Director's Order to the Power Authority, dated February 11, 1980, did increase the level of safety of Indian Point Unit 3. See Report of the Task

Force on Interim Operation of Indian Point (NUREG-0715) (1980).

Additionally, the Authority in its Objections and Answers to Contentions of Intervenors addresses contentions dealing with suggested additional safety measures. Specifically, potential intervenors argue that the installation of a filtered, vented containment system, "core-catcher," and a separate containment structure is required for the Indian Point units. The Authority and the NRC are currently conducting independent assessments of mitigative features. An evaluation of such features must be based on an accurate assessment of both the existing level of safety and the area in which significant mitigation or prevention is meaningful.

III. What is the Current Status and Degree of Conformance With NRC/FEMA Guidelines of State and Local Emergency Planning Within A 10-Mile Radius of the Site and, of the Extent That It is Relevant to Risks Posed by the Two Plants, Beyond a 10-Mile Radius? In this context, an effort should be made to establish what the minimum number of hours warning for an effective evacuation of a 10-mile quadrant at Indian Point would be. The FEMA position should be taken as a rebuttable presumption for this estimate.

The Authority's Position: The Authority, together with Unit 2 licensee Consolidated Edison Company of New York (Con Edison) has submitted multi-volume plans to the Commission for responding to a radiological emergency at Indian Point. The state and county plans have been officially submitted to FEMA by New York State. The plans contain

extensive details for responses by the licensees, the local, county, state, and federal governments, and various private and charitable organizations such as the American Red Cross. We have been informed that FEMA has concluded that the present state of emergency planning for Indian Point is adequate.

These emergency plans provide more than adequate assurance that appropriate protective measures can and will be taken in the event of a radiological emergency.

The evacuation time estimates incorporated into the emergency plans are accurate.

The Indian Point evacuation time estimates have been cited by FEMA as among the five best submitted by nuclear reactor licensees throughout the nation. These time estimates include both evacuation and warning time estimates which correspond with the estimates developed for FEMA by CONSAD Research Corporation. The CONSAD estimates have been endorsed by FEMA.

IV. What Improvements in the Level of Emergency Planning Can Be Expected in the Near Future, and on What Time Schedule, and Are There Other Specific Offsite Emergency Procedures That Are Feasible and Should be Taken to Protect the Public?

The Authority's Position: The Authority, in conjunction with Con Edison and appropriate governmental authorities, intends to effectuate the following improvements in the level of emergency planning:

(1) An extensive public information brochure, which details procedures to be followed in the event of a radiological emergency, will be publicly distributed.

(2) In conformance with requirements of Chapter 708 of the Laws of New York State of 1981, the Authority and Con Edison will provide directly to the state and other governmental authorities:

- site meteorology information;
- airborne radioactive effluent information;
- offsite radiation measurements; and
- containment building pressure, temperature, and radiation.

In addition, the Authority and Con Edison provide an annual fee to support state and local governmental responsibilities under accepted radiological emergency preparedness plans.

(3) The Authority is presently scheduled to conduct an exercise of the emergency plans on March 2, 1982. Efforts will be made to effectuate as promptly as possible, in cooperation with state and local government officials, any feasible improvements in the level of emergency planning found necessary as a result of the exercise.

The Authority and its consultants have extensively reviewed all levels of emergency planning, and have determined that the plans provide more than adequate assurance that appropriate protective measures can and will be taken in the event of a radiological emergency. The

determination whether "other offsite emergency procedures . . . are feasible" is obviously within the jurisdiction of the appropriate offsite governmental authorities.

The Authority has already provided and will continue to provide substantial financial assistance to those governmental authorities. The Authority will continue to extend our full cooperation to these authorities in considering what, if any, additional emergency procedures are feasible.

- V. Based on the Foregoing, How Do The Risks Posed By Indian Point Units 2 and 3 Compare With the Range of Risks Posed by Other Nuclear Power Plants Licensed to Operate by the Commission? (The Board should limit its inquiry to generic examination of the range of risks and not go into any site-specific examination other than for Indian Point itself, except to the extent raised by the Task Force.)

The studies being conducted for the Authority (and referred to in response to Issue No. 1, supra,) will ascertain the levels of safety and the required planning for emergencies at Indian Point Unit 3. Thereafter, that level of safety will be compared to the levels of safety at other plants. The Authority believes that the level of safety at Indian Point Unit 3 is similar to the safety levels of other nuclear power plants licensed to operate by the Commission. An earlier study concluded that the level of safety at Indian Point Unit 3 is similar to that of "a typical reactor

on a typical site." Report of the Task Force on Interim Operation of Indian Point (NUREG-0715) at 40 (1980).

VI. What Would Be the Energy, Environmental, Economic or Other Consequences of a Shutdown of Indian Point Unit 2 and/or Unit 3?

The Authority's Position. The Indian Point plants play a major role in meeting the energy needs of the New York City metropolitan area. The unavailability of the units would result in higher rates to the people who already pay the highest electric rates in the United States. The resulting higher costs would have an especially severe impact on the New York City metropolitan area's transit system. In addition, any cessation of operations at these plants would further increase New York's already heavy reliance on Middle Eastern and other foreign oil for electric generation, and would increase air pollution somewhat.

The increased electric production costs to consumers as a result of a shutdown of Indian Point units including inventory and working capital costs and taxes have been estimated to be very substantial. In addition to the annual direct electric production cost increases, inventory and working capital expenses as a result of additional residual oil requirements will be affected. Taxes will also increase. A study is underway to document these costs. The

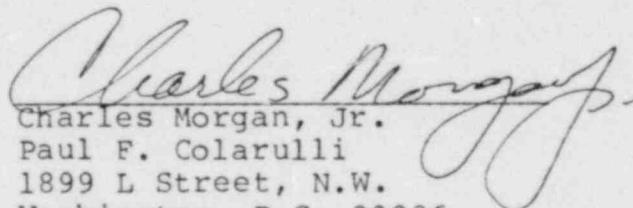
unavailability of the Indian Point units would also have an immediate and lasting impact on residual oil prices as a result of increased demand.

The impact of increased economic and environmental costs resulting from a shutdown of Indian Point is not expected to be borne equally by all members of society, but may be particularly significant for people less able to offset the increased costs.

VII. Does the Governor of the State of New York Wish to Express an Official Position With Regard to the Long-Term Operation of the Units?

The Authority takes no position on this issue.

Respectfully submitted,



Charles Morgan, Jr.
Paul F. Colarulli
1899 L Street, N.W.
Washington, D.C. 20036
(202) 466-7000

Thomas R. Frey
General Counsel
Charles M. Pratt
Assistant General Counsel
10 Columbus Circle
New York, New York 10019
(212) 397-6200

MORGAN ASSOCIATES,
CHARTERED
1899 L Street, N.W.
Washington, D.C. 20036

SHEA & GOULD
330 Madison Avenue
New York, New York 10017

POWER AUTHORITY OF THE
STATE OF NEW YORK
Licensee of Indian Point
Unit 3
10 Columbus Circle
New York, New York 10019

Dated: December 31, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '82 JAN -4 A11:15

Before Administrative Judges:
Louis J. Carter, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

LR
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	Docket Nos.
OF NEW YORK, INC.)	50-247 SP
(Indian Point, Unit No. 2))	50-286 SP
)	
POWER AUTHORITY OF THE STATE)	
OF NEW YORK)	
(Indian Point, Unit No. 3))	December 31, 1981
)	

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of December, 1981, I caused a copy of the following documents:

1. Power Authority's and Consolidated Edison's Reply to Petitioners' Opposition to Licensees' Motion for a Stay of Commission's Orders of January 8, 1981 and September 18, 1981 or for Dismissal of this Proceeding or, in the Alternative, Certification to the Commission;
2. Power Authority's Motion for Leave to File the Following Reply to Potential Intervenors' Responses to Power Authority's Motion to Exclude Fear as an Issue in this Proceeding; and
3. Power Authority's Statement on the Issues Raised in the Commission's January 8, 1981 and September 18, 1981 Orders

to be served by first-class mail, postage prepaid on:

Louis J. Carter, Esq.
23 Wiltshire Road
Philadelphia, Pennsylvania
19151

Dr. Oscar H. Paris
Atomic Safety and Licensing Board
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Brent L. Brandenburg, Esq.
Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York, New York 10003

Consolidated Edison Company of
New York, Inc.
ATTN: Mr. John D. O'Toole
Vice President
4 Irving Place
New York, New York 10003

Mr. Richard P. Remshaw
Project Manager
Consolidated Edison Company
of New York, Inc.
4 Irving Place - Room 749S
New York, New York 10003

Jeffrey M. Blum, Esq.
New York University Law School
423 Vanderbilt Hall
40 Washington Square South
New York, New York 10012

Ellyn R. Weiss, Esq.
Harmon and Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006

Ms. Joan Holt
New York Public Interest Research
Group
5 Beekman Street
New York, New York 10038

Mr. Frederick J. Shon
Atomic Safety and Licensing Board
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Counsel for NRC Staff
Office of the Executive
Legal Director
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Charles J. Maikish, Esq.
General Counsel
The Port Authority of New York
and New Jersey
One World Trade Center, 66S
New York, New York 10048

Mr. John Gilroy
Westchester Coordinator
Indian Point Project
New York Public Interest Research
Group
240 Central Avenue
White Plains, New York 10606

West Branch Conservation
Association
443 Buena Vista Road
New City, New York 10956

Westchester People's Action
Coalition, Inc.
P.O. Box 488
White Plains, New York 10602

Mayor George V. Begany
Village of Buchanan
236 Tate Avenue
Buchanan, New York 10511

Alan Latman, Esq.
44 Sunset Drive
Croton-On-Hudson, New York 10520

Ezra I. Bialik, Esq.
Steve Leipzig, Esq.
Environmental Protection Bureau
New York State Attorney General's
Office
Two World Trade Center
New York, New York 10047

Ms. Pat Posner, Spokesperson
Parents Concerned About Indian
Point
P.O. Box 125
Croton-on-Hudson, New York 10520

Jonathan L. Levine, Esq.
P.O. Box 280
New City, New York 10956

Greater New York Council
on Energy
c/o Dean R. Corren
New York University
26 Stuyvesant Street
New York, New York 10003

Mr. Geoffrey Cobb Ryan
Conservation Committee Chairman
Director, New York City
Audubon Society
71 West 23rd Street, Suite 1828
New York, New York 10010

Stanley B. Klimberg, Esq.
General Counsel
New York State Energy Office
2 Rockefeller State Plaza
Albany, New York 12223

Ms. Judith Kessler, Coordinator
Rockland Citizens for Safe Energy
300 New Hempstead Road
New City, New York 10956

Secretary
United States Nuclear
Regulatory Commission
Washington, D.C. 20555
ATTN: Chief, Docketing and
Service Section

Andrew S. Roffe, Esq.
New York State Assembly
Albany, New York 12248

Marc L. Parris, Esq.
County Attorney
County of Rockland
11 New Hempstead Road
New City, New York 10956

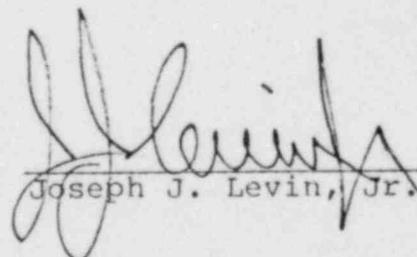
Renee Schwartz, Esq.
Botein, Hays, Sklar and Herzberg
200 Park Avenue
New York, New York 10166

Honorable Ruth W. Messinger
Council Member
4th District, Manhattan
City Hall
New York, New York 10007

Mrs. Lorna Salzman
Friends of the Earth
208 West 13th Street
New York, New York 10011

Mr. Alfred B. Del Bello
Westchester County Executive
Westchester County
148 Martine Avenue
New York, New York 10601

Honorable Richard L. Brodsky
9th Legislative District
Westchester County
County Office Building
White Plains, New York 10601


Joseph J. Levin, Jr.