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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
OF PUBLIC HEARINGS & SERVICE  
BRANCH

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges  
James P. Gleason, Chair  
Frederick J. Shon  
Dr. Oscar H. Paris

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In the Matter of:	:	
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CONSOLIDATED EDISON COMPANY OF NEW YORK	:	Docket Nos.
INC. (Indian Point, Unit No. 2),	:	
	:	50-247 S <sup>1</sup>
POWER AUTHORITY OF THE STATE OF NEW YORK :	:	50-286 SP
(Indian Point, Unit No. 3)	:	
	:	February 22, 1983
-----x	:	

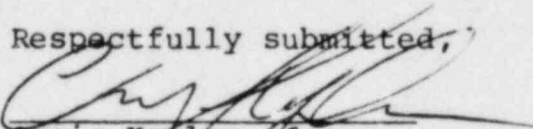
SUPPLEMENT TO  
NEW YORK CITY COUNCIL MEMBERS  
OPPOSITION TO LICENSEES' MOTIONS  
REGARDING COUNCIL MEMBER WITNESSES  
UNDER COMMISSION QUESTIONS 3 & 4

NEW YORK CITY COUNCIL MEMBERS respectfully request that in addition to the arguments advanced by them in papers dated February 18, 1983, previously filed with this Board and served upon the parties, that this ASLB consider the following further arguments regarding the pending Licensee motions.

- 1) The relocation protective action strategies discussed in extenso during the hearings held by this Board on Commission Question 1 explicitly include the prospect of interdicted land outside the 10 mile EPZ and the prospect of the relocation of large numbers outside the EPZ. The Board should consider evidence regarding the existing capability to implement a relocation strategy and to interdict land within New York City.

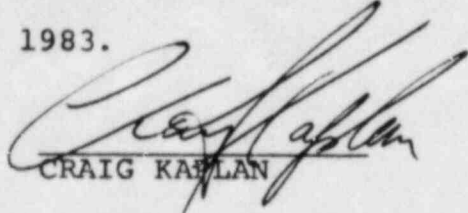
- 2) In nearly every instance throughout the testimony of the Council Member witnesses where the issue of evacuation is addressed, all the arguments advanced apply equally well to relocation. Council Member witnesses are prepared to amend their testimony so that references to evacuation would read "evacuation and/or relocation", should this Board find such amendments necessary to insure admissibility.
- 3) The protective action strategies in IPPSS and discussed in Staff testimony contain assumptions regarding the behavior of those outside the EPZ. For example, the assumption that "Beyond the 10 miles, 90% of the population was sheltered for 24 hrs...." (Acharya at III C.A.-37). These assumptions are addressed by Council Member witnesses.
- 4) In the testimony of Staff witnesses Rowsome and Blond it has been argued that "response" capability must be depended upon far beyond the specific 10 mile EPZ in order to provide adequate protective actions. Council Member witnesses address this "response" capability directly. Additionally, "PLANNING BASIS FOR THE DEVELOPMENT OF STATE AND LOCAL GOVERNMENT RADIOLOGICAL RESPONSE PLANS IN SUPPORT OF LIGHT WATER NUCLEAR POWER PLANTS", NUREG-0396, specifically contemplates a capability to take protective actions on an "ad hoc basis" beyond the emergency planning distance (at 16). New York City Council Member witnesses directly address this matter as well.
- 5) In recognition of the overlapping nature of the Commission questions, a flexible approach to the receipt of testimony has been exhibited by this Board. Council Members have strongly supported this approach in the interest of developing as complete a record as possible. Indeed, Council Members have underscored support for such flexibility in their refusal to move or to support motions of other parties to strike testimony. An example of the Board's determination to facilitate the making of a complete record was its admission of the testimony of Power Authority witness, Robert Dupont, who addressed issues beyond the specific Commission Question then under consideration.

Respectfully submitted,

  
Craig Kaplan, for  
Members of the New York City Council

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I hereby certify that copies of the attached <sup>83</sup>document, entitled, SUPPLEMENT TO NEW YORK CITY COUNCIL MEMBERS OPPOSITION TO LICENSEES MOTIONS REGARDING COUNCIL MEMBER WITNESSES UNDER COMMISSION QUESTIONS 3 & 4, have been served upon the complete service list in the above captioned matter by deposit in the United States Mail, first class, this 22nd day of February, 1983.

  
CRAIG KAPLAN