

Requesting New York's 110th Congressional Delegation To Immediately Reintroduce And Pass S2488 And HR4891 As Introduced In The 109th Congress Requiring The Nuclear Regulatory Commission (NRC) To Conduct An Independent Safety Assessment (ISA) Of The Indian Point Nuclear Power Plants

The Criminal Justice and Safety Committee (Chairman Dart and Legislators Distel, Gregorius, R.A. Parete, Zimet, Aiello and Every) and Legislators Dart, Kraft, Lomita, Shapiro and Terpening offer the following:

WHEREAS, Entergy is the owner and operator of two nuclear power plants, Indian Point 2 and Indian Point 3, located in the Village of Buchanan, Westchester County, New York, and

WHEREAS, the Nuclear Regulatory Commission (NRC) is the federal regulatory agency overseeing, regulating and licensing Indian Point 2 and Indian Point 3, and

WHEREAS, the Nuclear Regulatory Commission (NRC) has the power and authority to order an Independent Safety Assessment (ISA) of Indian Point 2 and Indian Point 3, and

WHEREAS, such an Independent Safety Assessment (ISA) was conducted at the Maine Yankee Nuclear Power Plant, and

WHEREAS, the negative historical safety record of Indian Point, coupled with the current uncontrolled and uncorrected leaks of radioactive materials at the plant, and

WHEREAS, the citizens of Ulster County because of their proximity to Indian Point, deserve to have a clear and accurate assessment of any and all safety problems or issues that are currently known or may be discovered at Indian Point; and these issues should be presented to the public in a timely manner after discovery, and

WHEREAS, the Nuclear Regulatory Commission (NRC), in spite of the problems and safety issues experienced by Indian Point 2 and Indian Point 3, has refused to order an Independent Safety Assessment (ISA) of Indian Point 2 and Indian Point 3, and

WHEREAS, legislation was introduced in both Houses of the 109th US Congress (HR 4891 and S2488) that would have mandated the Nuclear Regulatory Commission (NRC) to order a Maine Yankee-style Independent Safety Assessment (ISA) on the vital systems of Indian Point and require FEMA to justify, with specificity, its approval of the Indian Point evacuation plan despite the findings of the 2003 Witt Report, commissioned by then New York State Governor George Pataki,

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which detailed the impossibility of evacuation should an incident occur at the Indian Point site, and

WHEREAS, that legislation which would have required:

1. a "vertical slice" review of all operating systems;
2. a "horizontal" review of all plant maintenance;
3. a rigorous re-evaluation of the feasibility of the evacuation plan for Indian Point;
4. a mandate that independent experts conduct the review; and
5. a mandate that the review be monitored by local officials.

RESOLVED, that the Ulster County Legislature requests that the 110th United States Congress enact legislation that would require the Nuclear Regulatory Commission (NRC) to conduct an Independent Safety Assessment (ISA) of the Indian Point Nuclear Power Plants through the reintroduction and passage of HR 4891 and S2488 (109th Congress), and

FURTHER RESOLVED, that the Ulster County Legislature requests that New York State Governor Eliot Spitzer and New York State Attorney General Andrew Cuomo join the Ulster County Legislature, on behalf of the public health and safety of Ulster County residents, and also make a formal request to New York's 110th Congressional Delegation to immediately reintroduce and pass S2488 and HR4891 as introduced in the 109th Congress, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to New York State Governor Eliot Spitzer, New York State Attorney General Andrew Cuomo, United States Senators Hillary Rodham Clinton and Charles Schumer, United States Representatives Maurice Hinchey, John Hall, Kirsten Gillibrand, Eliot Engel, Nita Lowey, and Christopher Shays and the National Association of Counties, so that the intent of the Ulster County Legislature be widely known,

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20

NOES: 3

(NOES: Legislators Gerentine, Liepmann and Noonan)

(Legislator Loughran left at 9:10 PM)

(Absent: Legislators Aiello, Alfonso, Busick, Every, Fabiano, Felicello, Provenzano, Sheeley and Stoeckeler)

FINANCIAL IMPACT:

NONE

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