



*Rochester Committee  
for Scientific Information  
Rochester, NY*

*RCSI Bulletin 65  
The Conflict Over Nuclear Power:  
The New York Senate Assumes an Active Role*

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February 1970*

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Note:

The critical environmental issues caused by construction of nuclear power plants are being considered in a continuing series of R.C.S.I. bulletins. New York is striving for a position of leadership in nuclear power production, and the state already has serious environmental problems, therefore most of the bulletins are directed at the state level. The combined sub-committees are also studying the Rochester Gas and Electric Company's Robert Ginna plant near Rochester (see R.C.S.I. Statement of October 31, 1969) and will report its findings periodically.

Summary:

Until recently in New York the power companies themselves were the final judges of both their needs to construct nuclear plants and the needs of environmental protection. It has been pointed out that the Governor himself did in fact decide the relative priorities of development and protection. Only recently (R.C.S.I. Bulletin, December 1969) standards for thermal pollution have been established, and the Health Department given actual authority to refuse a permit to discharge heated waters. The legislature passed and the Governor signed the "Environmental Feasibility" law only last summer. Now the State Senate's Public Utilities Committee has declared a role for itself and has held hearings which resulted in a report seriously questioning the desirability and safety of the rush into nuclear power. Testimony has been characteristically polar - the power developers opposing interference almost totally, and some conservation spokesmen opposing nuclear power almost totally. The need for much more discussion among the developers, officials, conservation interests and the public is strongly evident. There has been little progress toward a sound policy for the development of nuclear power.

I. Recent Action by the Public Utilities Committee

In September, 1969 the committee published a report of two years study.\* It was followed up by a public hearing in New York in December which brought the public closer than it has ever been to finding out from the utilities if there exists a master plan for siting nuclear power plants around this state. The public remains largely uninformed of what is being planned (or not planned) for it.

\*Report published September 1969. N.Y. Senate Committee on Public Utilities. Annual Studies by the Senate Committee on Public Utilities, Part I. Submitted to legislature January 1968. Part II published April 1969. Two jointly published September 1969.

Republican Sen. Thomas McGowan of Buffalo and Democratic Sen. Jeremiah Bloom of Brooklyn conducted the hearing. After a long day, the senators were left bemused and seeking some middle ground between the entrenched positions of the power companies and state power promoting agencies on one side and the environmental protection groups on the other. Chairman McGowan promised more hearings early this year, these to be smaller and dealing with specific differences between the two sides. He felt some cause for optimism because, "A year ago the utility companies were not even willing to discuss their problems in the open. Now they are willing to talk."

## II. The Public Utilities Committee Report

The report was in two parts. The first was descriptive, outlining who produces electricity and how. It was concerned with insuring the state's leadership in producing nuclear energy.

"We were simply feeling our way into the subject when that first part of the report was done" McGowan said.

The second part takes the gloves off. It is critical of the power companies and state promotion agencies for their lack of concern for the public and environmental problems. It reports on two meetings: a conference between representatives of both sides of the power protection problem and a public hearing, both in early 1969.

The report's conclusion calls for "strict safeguards protecting the environment" while recognizing that new sources of electric power at reasonable cost are vital to the state's economy. The state health, conservation and commerce departments must participate in the long-range planning of nuclear power development to give this protection. There must be a "carefully controlled growth" of nuclear power "avoiding disasters and incidents resulting from hastily conceived and activated programs concerned with economic benefits...rather than safety and well being of society".

The Environmental Feasibility Law for nuclear power plants can be called a direct result of this report. This law requires utility companies to file their nuclear power plant plans with the state health department at the same time they are filed with the Atomic Energy Commission. It gives the state some voice in the safety of nuclear power plants. McGowan suggests that he wishes to see how effective it will be.

The law can only affect future plants. It does not affect the three plants already in operation in the state, those being constructed or those whose plans have already been filed with the AEC -- a total of nine, projected to be completed and in operation by the mid '70's.

## III. The December Public Hearing in New York

McGowan asked for suggested legislation which would both ensure sufficient electric power for the next two decades and protect the public and environment. Neither proponents nor opponents of nuclear power offered such suggestions.

### A. The Proponents

The power companies, the State Power Authority and State Atomic and Space Development Authority were completely convinced of the safety of nuclear plants. They want McGowan's committee to find a way to cut the red tape in getting government approval for the plants and power lines, let them get on with building more plants and be the judge of what is the best way of producing reliable electric power.

The utilities suggested that maybe there could be just one state agency instead of a dozen to help both sides. It would cut out the red tape and protect the environment and public interest at the same time -- a sort of "environmental court" a Commonwealth Edison vice president suggested. R.C.S.I. notes that such an agency may be intended in the Governor's proposed reorganization of state departments, but the plan is vague.

#### B. Master Plan?

The conservationists were convinced there are radiation dangers from nuclear power plants and that utilities should hold off building them until scientists know more about them. If the state must have them, then there should be an overall plan of siting and developing nuclear plants instead of the present piecemeal approach.

The proponents blamed the conservationists for delays in building plants, especially around New York. The interferences, they said, created the appearance that they had only a piecemeal approach to the power problem.

Do the utilities and state agencies have a plan for siting nuclear power plants for the next two or three decades, the committee members asked.

The utilities said they have specific plans, know where they would like to build plants, but were reluctant to say publicly what the plans are.

James G. Cline, acting chief executive officer of the State Atomic and Space Development Authority (ASDA) gave the committee its biggest hint to date of any plans for plant sites.

"For the proper siting of a nuclear power plant", he said, "...there are only a limited number of available sites which could be developed and utilized for this purpose consistent with full and careful consideration of the public interest in health and safety, protection of the environment, conservation, recreation and aesthetics".

These sites should be reserved well in advance of need to prevent land speculation and so that power production does not go from crisis to crisis as it has in the last few years.

In choosing sites up to now, he said, "such dialogue as did take place was carried on in the form of an advocacy of a single specific location rather than in the form of a rational and candid examination of alternatives conducted with the responsibly concerned governmental agencies and leading to the selection of the site which best served the broad public interest."

Cline's agency has looked at 62 possible sites for reactors, narrowed the choice down to 15 and now two have been suggested as alternative sites for building the state's first breeder reactor -- a reactor still in experimental stages which makes more fuel than is used.

To further the work of site selection, an advisory Nuclear Power Siting Committee has been recently appointed, Cline said. Its chairman is Dr. W. Mason Lawrence, deputy commissioner of the State Conservation Department.

### C. The Need for Power

George Cooper, first deputy commissioner in the State Commerce Department, explained the power companies' basic problem to the committee.

The state power pool, to which the State Power Authority and the state's seven major utilities contribute, has only "a meagre, vulnerable reserve" Cooper said. Unforeseen demands or breakdown in the power system could have "dire results" he said.

Consumption of electricity in New York is expected to triple by 1990, from the peak last summer of 16,700 megawatts to 48,100 megawatts, he said.

Power production this last summer was about 19,400 megawatts. This gave the state a vulnerable 16 per cent reserve. Utilities originally planned to have a reserve capacity in the 1970's of 30 per cent but because of delays and cancellations, mainly of nuclear power plants, they will have only a 22 per cent reserve -- a low safety margin, Cooper said.

For this he blamed several things -- public concern over the environment, shortages of skilled labor, equipment delays and strikes at manufacturing plants and "protracted regulatory procedures" by federal and state agencies in granting licenses.

"In developing the state's nuclear power plant program mistakes have been the result of misunderstanding and lack of consultation", Cooper said.

### D. The Opponents View of Nuclear Power Development

The representatives at New York were chiefly from New York City and Long Island.

While safety was their first fear, a strong second feeling was distrust of the state agencies involved in nuclear power development and a particular distrust of Gov. Rockefeller's role.

The utilities have failed in their nuclear power plant promotion, said the Citizens Committee for the Protection of the Environment (New York). Yet the utilities keep pushing on with plans for boiling water reactors at Indian Point and more on Welfare Island.

The group opposed the breeder reactor as dangerous and attacked the "Rockefeller dream of a nuclear Empire State built around the United Nuclear Corporation, in which he has interests."

Rockefeller was also attacked by the New York Citizens Rights Committee for pushing "with apparent blithness, for proliferation and the siting of plants close to" population centers. He was attacked for being "anti-democratic", and "proposing to rush full speed ahead with nuclear development as though the people who object were obstructing a great boon and gubernatorial paternalism is essential, so to speak, to save the people from themselves".

"It is deeply disturbing to realize that the Rockefeller brothers are heavily involved in the nuclear industry" in the United Nuclear Corporation, "one of the most diversified nuclear companies with activities ranging from uranium mining to

the sale of equipment to utilities....Con Ed had ordered from United Nuclear such equipment for Indian Points Plants 4 and 5 before the AEC hearing on granting a license to Indian Point 3!" the Citizens Rights Committee spokesman said.

"Nuclear power has been pushed without people knowing what is going on. We don't like the way it is being sold to the public!" a Long Island Conservationist told the committee.

One man compared the whole issue over nuclear power to the fight over pesticides, DDT especially. Twenty years ago DDT was praised as the saviour of the world's crops, he said. Nuclear power is in the same position today, the answer to all our power shortages. Now, 20 years later, the mistakes of using DDT have been realized and we are looking for alternatives. Could we find out too late about radiation hazards from the plants, he asked. "Technology has gone nuts" he declared. He wanted the power companies to be sure they can supply electricity before "they sell air conditioners and all those fancy gadgets".

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Dr. Alfred W. Eipper, a Cornell University conservation professor who devoted enormous personal efforts to opposing the Cayuga Lake Nuclear Plant, gave a simple answer to the Utility Committee's questions: "We simply need more communicating".