

Powell Goldman & Younger
Attorneys at Law

PLAZA 7-8030

50-247 (Dupl)
33 West 56 Street
New York, N.Y. 10019

August 24, 1966

Miscel. ltr.

Secretary
Atomic Energy Commission
Washington, D. C.

Dear Sir:

I write on behalf of the board of directors of the Hudson River Fishermen's Association, Inc. The Association has received no official notice of the hearing to be held by the Commission in Buchanan, New York, on August 31, in connection with the proposal by the Consolidated Edison Company to enlarge its nuclear power plant at Indian Point, New York, but members of the Association have seen references to the hearing in the press.

The Association has no wish to stop expansion of the Indian Point plant. We do hope, however, that the Commission will make certain that Consolidated Edison takes utmost precautions to prevent harm to fish and other aquatic life in the Hudson River. The fact is that Consolidated Edison is responsible for an unfortunate history of fish destruction at Indian Point. Starting in early 1963, Consolidated Edison's plant began killing fish by the ton. At one time, we are informed, the plant was actually required to cease operation because of the enormous intake of fish -- an alarming event not only for fishermen, but also for the public that needs an efficient and reliable supply of electricity. The appalling situation at Indian Point became known only after fishermen observed flocks of crows flying in to feast on the enormous piles of rotting fish that Consolidated Edison was trucking to a nearby dump. Estimates of the kill for the first six months of 1963 alone range up to two million fish. Some of the slaughtered fish were striped bass, the

811140461 660824
PDR ADDCK 05000247
G PDR

August 24, 1966

prime game fish of the Atlantic Coast. According to figures published by the United States Fish and Wildlife Service, sports fishing for striped bass in the northeast constitutes a \$45 million a year business.

Officers of Consolidated Edison have attempted to minimize the destruction at Indian Point. On one occasion, for example, a spokesman for the company dismissed reports about the kill as mere "allegations." Only when hearings were held by the Subcommittee on Fisheries and Wildlife Conservation of the House of Representatives on May 10 and 11, 1965, did Mr. Randall J. LeBoeuf, an attorney for the company, admit to the Subcommittee, "Well, the Indian Point thing was bad, there is no question about it."

The Conservation Department of the State of New York has, in our view, been something less than energetic in forcing Consolidated Edison to take steps to protect the aquatic life of the Hudson River at Indian Point.

In these circumstances, we respectfully ask that the Commission secure satisfactory answers to the following questions before authorizing expansion of the plant.

(1) What caused the kill that started in 1963? Was it thermal pollution? If so, what was the temperature of the discharge and how did it vary from river temperatures? Were other factors involved, such as poor engineering? Is the kill continuing? To what extent? What is the cause? What is being done to correct the situation?

(2) If the plant is permitted to be enlarged, what specific effects may we expect on the river? What does the Commission's research on fish and other aquatic life show is likely to occur if the plant is enlarged?

(3) What will be the temperature of discharged water from the enlarged plant on the warmest day of the year? What effect will this discharge have on Hudson River temperatures? What effect will this discharge have on the oxygen content of the river, from top to bottom? How large

Secretary

-3-

August 24, 1966

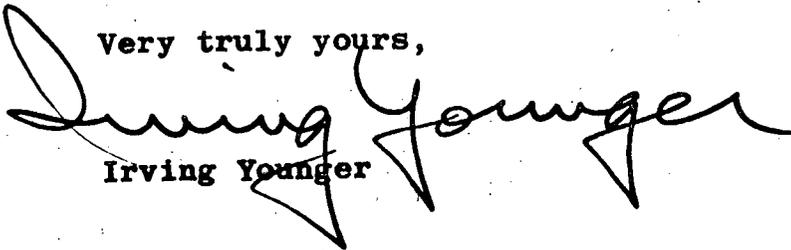
an area of the river will the discharge affect, at high tide, and at low tide?

(4) Who will monitor the enlarged plant to insure that fish and aquatic life are not harmed or destroyed? How frequently will monitoring take place? If fish are destroyed, what will be the means of indemnification? What monetary values does the Commission place on fish and aquatic life?

(5) What other commissions, agencies, or departments, state or federal, are involved in approving the expansion of the Indian Point plant? What studies have they made? What precautions have they suggested? Finally, what is the Atomic Energy Commission's responsibility under the law with regard to protection of fish and prevention of thermal pollution?

Thank you for your consideration and assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Irving Younger". The signature is written in black ink and is positioned to the right of the typed name.

Irving Younger

IY/ca