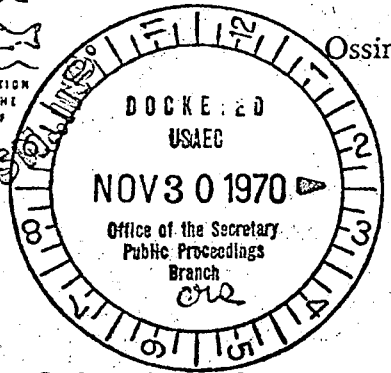
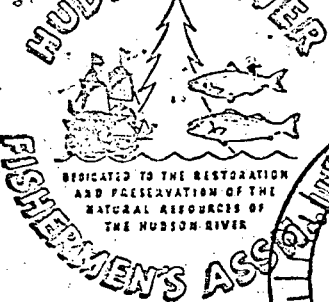


HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562



480 Tuckahoe Road (9-B)
Yonkers, New York 10710
November 24, 1970

Samuel W. Jensch
Chief Hearing Examiner
U.S. Atomic Energy Commission
Washington, D.C. 20545

RECEIVED
ATOMIC ENERGY COMMISSION

1970 NOV 30 AM 9 10

Dear Sir:

OFFICE OF
HEARING EXAMINERS

The Hudson River Fishermen's Association hereby petitions for leave to intervene in the proceeding at 10 a.m., Dec. 17, 1970 at Peekskill on Consolidated Edison Co.'s application to "build" a second nuclear power generator at Indian Point in Buchanan.

The story announcing the hearing appeared in our local newspapers on Friday, November 20, listing a filing deadline seven days later. In a matter of such import, we would have greatly appreciated a bit more notice.

Top A.E.C. officials have had letters printed recently in metropolitan area newspapers telling of your agency's great interest in protecting the environment. We would like to detail for you how Con Ed has slaughtered our Hudson River fish with Indian Point No. 1, so much so that New York State has sued the company for five million dollars. Clearly, Con Edison is not complying with "other applicable laws and regulations".

To clear your agency, Con Edison must give assurances that they will protect the environment. They have accomplished just the opposite, so we doubt that "the plant will be operated in conformity with the application filed, the law and the A.E.C. regulations". In its recent suit, New York State thoroughly agreed with us in these matters.

We consider thermal pollution from Indian Point Two (& 3) the most serious problem for the future of our Hudson River fisheries. We hope you will allow us to be heard.

Very truly yours,

Dominick J. Pirone

Dominick J. Pirone,
Consulting Biologist, HRFA.

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G PDR



State Suing Con Edison Over Fish Kill In River

Shutdown Asked Till Change Is Devised

NEW YORK (AP) — New York State has filed suit asking that Consolidated Edison's nuclear-powered generating plant at Indian Point, Buchanan be closed until suitable methods are found to protect the Hudson River and its fish.

The suit, filed in state Supreme Court, charges serious violations of conservation laws and thermal and chemical pollution of the river.

Seek Heavy Damages

In the suit filed yesterday, the Attorney General charged that the Indian Point operation was "creating serious conditions of thermal and chemical pollution in the Hudson River" and "endangering the ecology."

"Until suitable methods and procedures are instituted which will enable defendant to withdraw water from and discharge water into the Hudson River in such a manner as to avoid the killing of fish and other

forms of marine life and to further avoid endangering the ecology of the Hudson River," it should not be allowed to operate, the Attorney General says.

No date for a hearing of the charges has been set.

Atty. Gen. Louis J. Lefkowitz, announcing the suit Tuesday, said the state would seek \$5 million in damages for fish killed as a result of the plant's operations.

Belief has been expressed that the complaint was based on two incidents of fish kills reported earlier this year at the nuclear generating plant and came as a surprise to officials of the power company.

A spokesman for Con Edison said yesterday that "we cannot comment on the allegations made because we are still reviewing the papers. As far as I know, this is the first interest of the Attorney General's office in this operation."

Closed For Refueling

The plant, the utility company representative said, has been closed for eight weeks "for refueling" and was not expected to be back in operation for at least another week.

Con Edison's operation of the plant drew complaints of fish kills and damage to the ecology of the Hudson River as far back as 1962. In July of that year it was reported that fish, by the thousands were sucked into the system and killed. That problem was reported solved by new screening where river water is drawn into the plant.

Two instances of fish kills were reported this year, each resulting in a brief shutdown of the operations. The first in January resulted in the reported killing of 150,000 fish and in March it was charged that 120,000 fish were killed.

Seen As Political Issue

No action has been taken by the State previously but knowledgeable persons have reported that this is an election year and conservation has become a para-

mount issue.

Congressman Richard L. Ottinger, who has repeatedly criticized the utility company, petitioned the Atomic Energy Commission to halt the Indian Point operation until it can continue without damage to the river. The petition is still pending before the A.E.C.

Congressman Ottinger plastered the political label on the state's action and was "an attempt to steal our thunder."

According to Consolidated Edison officials, the Indian Point plant is counted on to produce "about 3 per cent of our total power generating capacity on an annual basis and coming up into the hot days of summer we are extremely concerned about shutting down this operation and depriving the system of the 285,000 kilowatts it makes available to the system."

Power demands in the New York City metropolitan area have been taxing the power producing capacity of the system for a number of years and both company and state officials have warned of power shortages in peak power-use hours this summer.

EVENING STAR



HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562

The New York Times

APR 21 1970

Ottinger Pats Fish-Kill
Of Con Ed Up to A.E.C.

WASHINGTON, April 21 — Representative Richard Ottinger petitioned the Atomic Energy Commission today to force the Consolidated Edison Company to protect fish in the Hudson River at the utility's Indian Point nuclear power plant near Buchanan, N. Y.

Mr. Ottinger, a Westchester County Democrat who is clearing his party's nomination for the United States Senate primary on May 23, wants a permanent operating license for the nuclear plant until Con Edison modifies the plant to prevent the destruction of fish in the river.

There was no immediate comment from Con Edison.

Last Feb. 3, Con Edison said that at least 150,000 fish had been killed accidentally since Jan. 12 at its Indian Point plant but that temporary alterations appeared to have reduced the fish-kill to an insignificant number.



HERALD STATESMAN,
YONKERS, N.Y.

TUESDAY, NOVEMBER 3, 1970

Con Ed Gets Fish Fines

NEW YORK (AP) — Consolidated Edison Co. of New York, Inc., was fined \$1000 yesterday after pleading guilty of discharging oil from an East River plant and from a Hudson River barge.

Con Ed lawyer William Wegan entered the plea for the company and was given until tomorrow to pay the \$1000 maximum fines.

STATE SUES CON ED TO PROTECT RIVER

Seeks to Close Indian Point Atomic Plant Until Hudson Life Can Be Preserved

By BILL KOVACH

The state has charged the Consolidated Edison Company with serious violations of state conservation laws in the operation of its nuclear generating plant at Indian Point and asked that the plant be closed until "suitable methods" to protect the Hudson River can be developed.

In a complaint filed by Attorney General Louis J. Lefkowitz's office in State Supreme Court here, the state also seeks \$5-million in damages for fish kills resulting from the plant's operations.

The action by the Attorney General's office was apparently based on two incidents of fish kills reported earlier this year at the nuclear generating plant near Peekskill and came as a surprise to officials of the power company.

'Still Reviewing Papers'

"We cannot comment on the allegations made because we are still reviewing the papers," said a spokesman for Consolidated Edison. "As far as I know, this is the first interest of the Attorney General's office in this operation . . . he has never exhibited any interest in our operations here before now."

Attorney General Lefkowitz was reported out of town and was unavailable for comment on the action, which was announced in a brief press release.

MAY 13, 1970

Consolidated Edison officials expressed concern about the part of the complaint seeking a restraining order against operation of the plant until it can demonstrate the operation can "avoid endangering the ecology of the Hudson River."

According to Consolidated Edison officials, the Indian Point plant is counted on to produce "about 3 per cent of our total power generating capacity on an annual basis and coming up into the hot days of summer we are extremely concerned about shutting down this operation and depriving the system of the 285,000 kilowatts it makes available to the system."

Power demands in the New York City metropolitan area have been taxing the power producing capacity of the system for a number of years and both company and state officials have sarned of power shortages in peak power-use hours this summer.

As far back as 1963, Consolidated Edison's operations at Indian Point drew complaints of fish kills and damage to the ecology of the Hudson River. In July, 1963 it was reported that fish by the thousands were sucked into the system and killed. That problem was reported solved by mechanical changes.

Two separate instances of fish kills were reported this year, each resulting in a brief shutdown of the operations. The first, in January, resulted in the killing of about 150,000 fish. It required a change in screens designed to filter fish out of the water intake system. In March 120,000 fish were reported killed for what officials there say are still "unknown reasons."

Though earlier fish kills generated complaints from conservationists, legal action was not taken. This year, however, is an election year and conservation has become a paramount issue.

Representative Richard L. Ottinger, a candidate for the United States Senate, plastered the political label on the state's action. The Attorney General's move, Mr. Ottinger's office said

yesterday, is an attempt to "steal our thunder." Mr. Ottinger last month petitioned the Atomic Energy Commission to halt the Indian Point operation until it can continue without damage to the river.

The petition is still pending before the A.E.C.

In the suit filed yesterday, the Attorney General charged that the Indian Point operation was "creating serious conditions of thermal and chemical pollution in the Hudson River" and "endangering the ecology."

"Until suitable methods and procedures are instituted which will enable defendant to withdraw water from and discharge water into the Hudson River in such a manner as to avoid the killing of fish and other forms of marine life and to further avoid endangering the ecology of the Hudson River," it should not be allowed to operate, the Attorney General says.

No date for a hearing of the charges has been set.

Meanwhile, Consolidated Edison officials point out that the Indian Point plant has been closed for eight weeks "for refueling" and is not expected to be back in operation for at least another week.

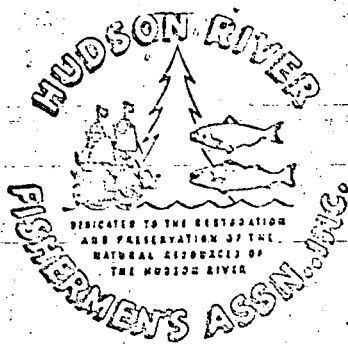
\$50,000 Is Awarded Conservation Groups

The American Heritage Society, whose members include readers and editors of American Heritage magazine, yesterday announced the winners of 12 conservation awards totaling \$50,000.

The top prize, \$25,000, was awarded to the Alaska Conservation Society. The group is working to protect the state's natural environment, which it considers to be threatened by the recent discovery of oil reserves on the North Slope.

The second prize, \$10,000, was awarded to the Big Thicket Association of Liberty, Tex., which is working to save a 300,000-acre wildlife refuge.

Third prize, \$5,000 went to the Scenic Hudson Preservation Conference in New York.



HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

THE NEW YORK TIMES.

Ossining, New York 10562

SUNDAY, NOVEMBER 1, 1970

Federal Officials Devise Plan to Set

WHAT ABOUT THE HUDSON? Don't we exist in Washington's mind?

'Heat Quotas' on Industrial Discharge Into Waterways

By GLADWIN HILL

Special to The New York Times

LOS ANGELES, Oct. 31—An unusual "heat quota" system has been devised by Federal officials as the most equitable solution to the growing problem of thermal pollution of waterways from power plants and other industrial facilities.

Under this plan—soon to be applied to Lake Michigan—a limit will be set on the total amount of heat that can be discharged into a particular area of water from all sources, including tributary streams and municipal sewage plants.

The amount of heat already going into a waterway from established discharge sources in a given area thus will determine what additional facilities can be put into that area without built-in water cooling systems. Once the "heat quota" is reached, any new heat-emitting installations would have to be built several miles away.

In the case of Lake Michigan, according to authoritative sources, the limit for any particular section of lake shore will be two billion British thermal units per hour.

This, qualified officials said, will automatically preclude discharges from nuclear power plants—which use exceptional amounts of boiler-cooling water—and from large conventional power plants, fueled by coal, oil or gas. These plants would have to install cooling ponds, canals, or water-cooling towers.

Exemptions Provided

Federal experts estimate the cost of such amenities on Lake Michigan at from about 1 per cent to 10 per cent of present generating costs. This would amount to a monthly increase of 5 cents to 50 cents on the average \$10 household electric bill.

Facilities emitting less than 500-million B.T.U.'s per hour

would be exempt from restrictions in the present situation, while plants discharging between 500-million and two billion B.T.U.'s could continue under special requirements regarding dispersion of their hot water.

When a section of shoreline reached a thermal input total of two billion B.T.U.'s per hour no additional discharge would be permitted closer than five miles.

There are now 24 power plants—one of them nuclear—discharging hot water into Lake Michigan. They account for about 75 per cent of the 40-billion B.T.U.'s per hour going into the lake.

Electric generating facilities are doubling every decade throughout the country, and more power plants—five of them nuclear—are scheduled to be in operation on Lake Michigan by 1974.

Without any restrictions, experts of the Federal Fish and Wildlife Service calculate, the heat input into Lake Michigan would increase 10-fold in the next 30 years, and ruin the lake's extensive fish and plant life.

The effects of the projected regulations on individual existing power plants and industrial facilities have not been detailed.

The "heat quota" plan, without any numerical specifics, was agreed to in principle by officials of Michigan, Illinois, Wisconsin and Indiana at a closed conference with officials of the Federal Water Quality Administration and the Fish and Wildlife Service in Grand Rapids, Mich., Thursday.

Regulations Yet to Come

The conferees established a technical committee to work out details, and the foregoing heat limits are the ones the Federal representatives had prepared. The conferees are sup-

posed to adopt regulations by next Feb. 15.

The same format, with custom-tailored numerical limits, seems applicable to other thermal pollution situations, which are developing all over the country.

The "heat quota" plan in one sense is a compromise with a virtual ban on industrial thermal discharges propounded originally last May by Assistant Secretary of the Interior Carl L. Klein, who resigned suddenly Sept. 18 after a tempestuous reign as Federal director of water quality and research.

0161

THE HERALD STATESMAN, YONKERS, N. Y., MONDAY, APRIL 20,

Ottinger Moves To Block Con Ed Nuclear Operation



WASHINGTON (GNS)—Rep. Richard L. Ottinger said today he has filed a petition with the Atomic Energy Commission to deny Consolidated Edison Co. a permanent operating license for its Indian Point nuclear power plant number one until the utility cures thermal pollution which he says is caused by the plant.

Rep. Ottinger said that since the Indian Point plant was first put into operation in 1963 it has destroyed more than 8 million commercially valuable fish in at least 15 separate massive kills. The most recent kill involved 200,000 fish and occurred March 6 and 7, Rep. Ottinger said.

"Instead of taking effective action, however, the company has attempted to conceal the destruction and minimize the extent of the kill," said Mr. Ottinger, a frequent critic of the utility in conservation matters.

Nuclear power plants, like Con Ed's at Indian Point, are granted temporary operating licenses by the AEC which

must be renewed at three-year intervals. Con Ed is seeking a permanent operating license and Rep. Ottinger has asked the AEC to insist that Con Ed take better care to protect the life in the Hudson from heated water discharge.

Two members of the Hudson River Fisherman's Association Inc., Richard J. Garrett and Gaetano DeBlasio, also joined Rep. Ottinger in the petition to the AEC.

In a related move, Rep. Ottinger released today a report prepared by the Eastern Fish Disease Laboratory of the Fish and Wildlife Service of the Department of the Interior.

The study, based on autopsies of fish collected near the plant site after the kill, does not specify a cause of death. However, it indicates that the fish were not poisoned during feeding and suggests they may have been killed by either heat or by the presence of strong alkalines or acids in the water. The study also suggests that disease was probably not responsible for the kill.





HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562

NEW YORKER

THE NEW YORK TIMES,

TUESDAY, MARCH 17, 1970

Con Ed Says 67

It May Be Forced

In answer to questions about fish kills near the Indian Point nuclear plant, Mr. Luce said there had been no nuclear contamination involved and he offered to replace the more than 200,000 fish estimated to have been killed in two separate incidents since Jan. 1. He said that with "hindsight" the company could have done more to prevent such events.

We have only been
screaming for
SEVEN (7)
YEARS!!!



SEEKERS

"So that's where it goes! Well, I'd like to thank you fellows for bringing this to my attention."

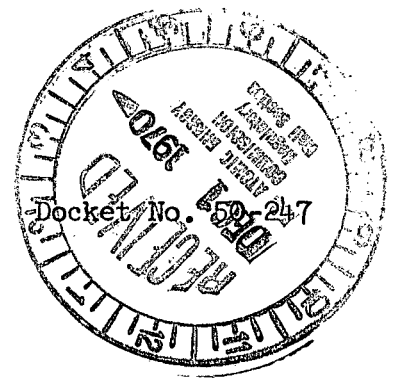
H Smith

50-247

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY OF)
NEW YORK)
(Indian Point Nuclear Generating)
Unit No. 2))

11-27-70



CERTIFICATE OF SERVICE

I hereby certify that copies of (1) TWX from J. Bruce MacDonald, Counsel for New York State Atomic Energy Council, petitioning for leave to intervene; (2) PETITION FOR LEAVE TO INTERVENE BY THE STATE OF NEW YORK dated November 27, 1970 from J. Bruce MacDonald; (3) Letter from Congressman Ogden R. Reid dated November 25, 1970 requesting to file a written statement; (4) Letter from William C. Hitt, Supervisor, Town of Cortlandt, dated November 24, 1970, indicating filing of petition to intervene; and (5) Letter from Dominick J. Pirone, Hudson River Fishermen's Association, dated November 24, 1970, petitioning to intervene (with attachments), in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 30th day of November 1970:

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Walter H. Jordan
Senior Research Adviser
Oak Ridge National Laboratory
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Oak Ridge, Tennessee 37830

Mr. R. B. Briggs, Associate
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Dr. John C. Geyer, Chairman
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(also: Joseph B. Knotts, Esq.
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hearing

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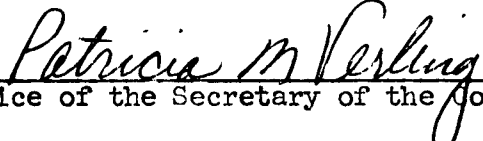
The Mayor of the Village
of Buchanan
Buchanan, New York 10511

Honorable Louis J. Lefkowitz
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New York
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Office of the Secretary of the Commission

cc: Mr. Jensch
Mr. Knotts
Mr. Yore
N. Brown
H. Smith