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STATE OF NEW YORK

DEPARTMENT OF LAW

STATE OFFICE BUILDING

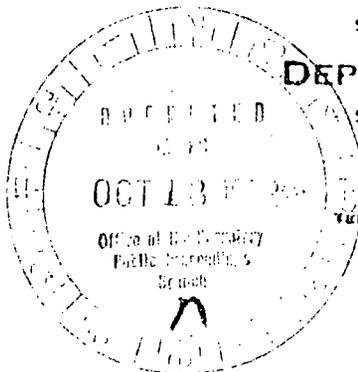
80 CENTRE STREET

NEW YORK, N.Y. 10013

TELEPHONE: 212-488-7560

PHILIP WEINBERG
ASSISTANT ATTORNEY GENERAL
IN CHARGE OF
ENVIRONMENTAL PROTECTION
BUREAU

LOUIS J. LERKOWITZ
ATTORNEY GENERAL



October 13, 1972

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

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
The Johns Hopkins University
513 Ames Hall
Baltimore, Maryland 21218

Mr. E. B. Briggs
Molten Salt Reactor Program
Oak Ridge National Laboratory
P. O. Box Y
Oak Ridge, Tennessee 37830

In the Matter of Consolidated Edison Company of New York, Inc.
Indian Point Nuclear Generating Unit No. 2
Docket No. 50-247

Gentlemen:

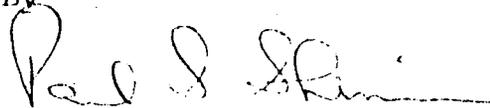
With reference to the Final Environmental Statement of the Commission, as prepared by the Directorate of Licensing, and the cost-benefit analysis contained therein (Ch. XI. Alternatives to Proposed Action and Cost-Benefit Analysis of Environmental Effects), it should be noted that the operation of Indian Point Nuclear Generating Plant Unit No. 2, as presently constructed, would result in the killing of from two to five million fish per year, and that such killing would be in direct violation of Sections 11-1321, 71-0925(4) of the Environmental Conservation Law, which prescribe a penalty of \$10.00 per fish. See the enclosed complaint of the State of New York against the applicant for the killing of 160,000 fish during experimental testing at Indian Point Unit No. 2 last winter, and the enclosed decision of the Supreme Court, New York County holding Section 11-1321 directly applicable to Consolidated Edison's operation of the plant.

Accordingly, the cost-benefit analysis of the Commission should take into account the additional financial cost of the once-through cooling method, resulting from the applicant's continued violation of State laws, which could amount to between twenty and fifty million dollars a year.

Respectfully submitted,

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York

By



PAUL S. SHEMIN
Assistant Attorney General

PSS:rab
Enc.