



HUDSON RIVER FISHERMEN'S ASSOCIATION

Box 725

Ossining, New York 10562

March 18, 1972

Dr. James R. Schlesinger  
Chairman,  
Atomic Energy Commission  
Washington, D. C. 20545

My dear Dr. Schlesinger:

Yesterday's New York Times reported your proposal that the Atomic Energy Commission be allowed to issue so-called "interim" operating licenses to nuclear power plants (completed but not licensed) through June, 1973, without having to submit the final environmental impact statements required by the National Environmental Policy Act.

The Atomic Energy Commission released their own study (Docket No. 50-247; December 30, 1971) dealing with Consolidated Edison Company's Indian Point Plants (1 and 2) at Buchanan, N. Y. Speaking on the subject of fish kills by Indian Point Plant No. 1, the study credits this plant with killing five million fish since going on the line in 1963. Indian Point Plant No. 1 has been out of service almost as much as it has been in service. One would have to double the fish-kill figures had this plant stayed on the line constantly.

On March 1, 1972, the New York State Department of Environmental Conservation ordered Indian Point Plant No. 2 to cease operating all circulators. This order came as a result of over 100,000 fish being killed over a brief four-day period (February 23rd - 26th).

Your recommendation that the requirements stipulated in the National Environmental Policy Act be set aside would allow Indian Point Plant No. 2 to go on the line free of the restrictive chains of environmental responsibility. The recent fish kills by this plant were not the first attributed to it. Indian Point Plant No. 2 has a record of fish kills that can only be called disastrous.

The Atomic Energy Commission study admits that the operation of Indian Point generating facilities poses a real threat to fishlife in that portion of the Hudson River (effected by water withdrawal and thermal discharge). An annual mortality of 25% of striped bass eggs and larvae is anticipated (AEC's figures).

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PDR ADOCK 05000247  
D PDR

Rec'd Off. Dir. of Reg.  
Date 3/21/72  
Time 4:10

4331

In the name of "expected power emergencies" you are asking that a moratorium be declared on environmental concern. This moratorium would be in effect until June, 1973. And after June, 1973? You are aware, I'm sure, of the momentum theory: Once a thing has been put in motion, attempts to stop it are frequently futile. A massive force in motion (An unrestricted AEC) generates tremendous momentum. Once you have been allowed to circumvent existing policy, who will be able to stop you? Will you be able to brake your own momentum. Perhaps it is more to the point to ask if you will want to brake this momentum.

Freed of environmental restraints by a special act of Congress, allowed to operate for one year beyond the dictates of the National Environmental Policy Act, damage done to the environment by nuclear plants will be incalculable.

In the manufactured climate of "expected power emergencies" you are asking that gains made for environmental protection be relinquished.

Consolidated Edison Company's record on the Hudson River is well documented in Robert H. Boyle's book THE HUDSON RIVER (W. W. Norton & Company, Inc. 1969). Through the efforts of the Hudson River Fishermen's Association, Consolidated Edison has been forced to recognize their environmental responsibilities. Gradually, a certain detente has been established between both organizations. You now will make it possible for the utility to assume its earlier posture of environmental indifference.

Those utilities involved in your proposal will applaud your action. Environmental groups involved (directly) in your proposal will view it as a cynical act.

Your appointment as Chairman of the Atomic Energy Commission was seen by many as a turning point in the AEC's history. A new man; a different philosophy; an AEC with a conscience. You have the chance to vindicate this judgement. I hope you will take it.

Sincerely,



David M. Seymour  
Member, Board of Directors  
Hudson River Fishermen's Assoc.  
R. F. D. #1  
Garrison, N. Y. 10524

cc: The Honorable John D. Dingle  
U. S. House of Representatives  
Washington, D. C. 20515

Mr. David M. Seymour  
Member, Board of Directors  
Hudson River Fishermen's Association  
R.F.D. #1  
Garrison, New York 10524

Dear Mr. Seymour:

With reference to your letter of March 18, 1972, we appreciate your concern regarding interim licensing of nuclear power plants and environmental matters, particularly in relation to Consolidated Edison's Indian Point Unit No. 2.

At the present time, a bill to add a new Section 192 to the Atomic Energy Act which would provide for interim licensing of some nuclear power plants has been passed by the House of Representatives, the Senate, and is now before the President. The bill would provide for issuance of operating licenses for nuclear power reactors such as Indian Point Unit No. 2, where electrical energy is needed to meet specified energy needs, even though the full term license is being contested. The issuance of a temporary license would not deprive the public of a full review of the health and safety and environmental matters which may be contested nor would it prejudice the position of any party who is participating in the contested hearing on the full-term license. If any temporary license is issued by the Commission, the final Commission action would be subject to judicial review under the Administrative Orders Review Act of 1969.

The Commission is also well aware and concerned about the potential mortality of fish eggs and larvae and the recent fish kills during testing of two of the circulating pumps of the intake structure of Indian Point. This subject, as well as the critical need for power for the New York Metropolitan area, is addressed in the enclosed copy of the Draft Detailed Statement on Environmental Considerations of Indian Point Unit No. 2, dated April 13, 1972. The Draft Statement describes in the summary and conclusions the action planned by the Commission to minimize the environmental impact from operation of this plant. After the 30-day period for comments from Federal, State and local agencies and the public is completed on June 2, 1972, the Commission will prepare the Final Environmental Impact Statement on this plant.

OFFICE ▶						
SURNAME ▶						
DATE ▶						

Mr. David M. Seymour

- 2 -

It has been a pleasure to discuss with you your concerns regarding environmental matters and interim licensing of Indian Point Unit No. 2. If we can be of further service to you, please feel free to call upon us.

Sincerely,

~~Asst. Dir.~~ Giambusso, Deputy Director  
for Reactor Projects  
Directorate of Licensing

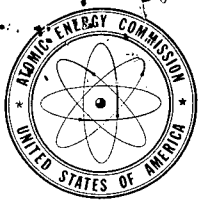
Enclosure:  
As stated

DISTRIBUTION:

Docket File (Environ) (2)  
EP Reading  
EP Br. File  
DRMuller, EP:L  
RCDeYoung, L  
KKniel, L  
MKarman, OGC  
Gertter, DR#4331  
GKnighton, EP#1:L  
NBrown, L  
HGearin, EP#1:L  
MJOestmann, EP#1:L  
JYore, ASLB  
AGiambusso, RP:L  
RO (3)  
JHoffman, GC (2)

RP Reading  
L Reading  
M. Groff, RP; L

RRSS #03	L:EP#1	L:EP#1	L:EP	L:EP	GC
OFFICE ▶ 1/C#219-114, etc	<del>MJOestmann</del>	<del>GKnighton</del>	<del>DRMuller</del>	AGiambusso	GC NR 5/26
SURNAME ▶ 5/25/72	MJOestmann:cls	GKnighton	DRMuller	AGiambusso	<del>JHoffman</del>
DATE ▶	5/25/72	5/25/72	5/25/72	5/ 172	5/ 172



UNITED STATES  
ATOMIC ENERGY COMMISSION

WASHINGTON, D.C. 20545

Mr. David M. Seymour  
Member, Board of Directors  
Hudson River Fishermen's Association  
R.F.D. #1  
Garrison, New York 10524

Dear Mr. Seymour:

*I am sorry for the delay in answering*

With reference to your letter of March 18, 1972, ~~we appreciate your~~  
1 ~~concern~~ regarding interim licensing of nuclear power plants and environ-  
mental matters, particularly in relation to Consolidated Edison's Indian  
Point Unit No. 2.

*elim not necessary*

At the present time, a bill to add a new Section 192 to the Atomic Energy Act which would provide for interim licensing of some nuclear power plants has been passed by the House of Representatives, the Senate, and is now before the President. The bill would provide for issuance of operating licenses for nuclear power reactors such as Indian Point Unit No. 2, where electrical energy is needed to meet specified energy needs, even though the full term license is being contested. The issuance of a temporary license would not deprive the public of a full review of the health and safety and environmental matters which may be contested nor would it prejudice the position of any party who is participating in the contested hearing on the full-term license. If any temporary license is issued by the Commission the final Commission action would be subject to judicial review under the Administrative Orders Review Act of 1969.

The Commission is also well aware and concerned about the potential mortality of fish eggs and larvae and the recent fish kills during testing of two of the circulating pumps of the intake structure of Indian Point. This subject, as well as the critical need for power for the New York Metropolitan area, is addressed in the enclosed copy of the Draft Detailed Statement on Environmental Considerations of Indian Point Unit No. 2, dated April 13, 1972. The Draft Statement describes in the summary and conclusions the action planned by the Commission to minimize the environmental impact from operation of this plant. After the 30-day period for comments from Federal, State and local agencies and the public is completed on June 2, 1972, the Commission will prepare the Final Environmental Impact Statement on this plant.

*it would be done after due consideration of environmental factors as described in our Appendix D*

*In addition*

Mr. David M. Seymour

- 2 -

~~It has been a pleasure to discuss with you your concerns regarding environmental matters and interim licensing of Indian Point Unit No. 2.~~  
If we can be of further service to you, please feel free to call upon us.

Sincerely,

~~Angelo~~ Giambusso, Deputy Director  
for Reactor Projects  
Directorate of Licensing

Enclosure:  
As stated

FROM: Hudson River Fishermen's Association  
 David H. Seymour  
 Ossining, N. Y.

CONTROL NUMBER  
**4331**

FILE LOCATION

DATE OF DOCUMENT  
**3/18/72**

ACT. COMPLETION DEADLINE  
**3/18/72**

TO:  
**Schlesinger**

ACTION PROCESSING DATES  
 Acknowledged \_\_\_\_\_  
 Interim Report \_\_\_\_\_  
 Final **13/ AG 6/2/72**

PREPARE FOR SIGNATURE OF:  
 \_\_\_\_\_ Chairman  
 \_\_\_\_\_ Director of Regulation

DESCRIPTION **Ltr**  Original  Copy  Other  
**Comments on proposal to issue "interim" operating licenses to nuclear power plants without having to submit a final environmental impact statement which would allow Indian Point 2 to operate free of restrictive chains of environmental responsibility**

REMARKS  
 NOTE:  
 This has not been put in the Public Document Room. Per instructions from the Chairman's office, each ltr to the Chairman is to be checked with Hoffmann before filing in PDR. This check is in progress.  
 jhc

REFERRED TO  
**# Rogers f/approp. handling**

DATE  
**3/23/72**

IS NOTIFICATION TO THE JCAE RECOMMENDED? \_\_\_\_\_

Cys: **Morris Low**  
*Muller H*  
*and Jim H...*

*Point to GBC on 4/20 - returned on 5/19 still being held for review signature ORA 5/19*

**Pl. add M.B. FitzPatrick, REP. on distribution list for reply.**

## MEMO ROUTE SLIP

Form AEC-93 (Rev. May 14, 1947) AECM 0240

See me about this.  
Note and return.For concurre  
For signature.

For action.

For information.

TO (Name and unit)	INITIALS	REMARKS
<i>A. Grambois</i>		<i>Logged in 6/2/72 of handling enclosures</i>
	DATE	
TO (Name and unit)	INITIALS	REMARKS
	DATE	
TO (Name and unit)	INITIALS	REMARKS
	DATE	
FROM (Name and unit)	REMARKS	
<i>Dan Muller</i>	<i>An earlier version of this letter was delayed in OGC for more than a month.</i>	
PHONE NO.	DATE	

USE OTHER SIDE FOR ADDITIONAL REMARKS

GPO : 1968 O-294-619



Muller

Mon March 18<sup>th</sup>

over 2 months

ago

Why so long

in answering

---

anyway pl have charges  
made

AL  
5/2

future signature  
should be  
A. Grambusso

add to distribution

M. ~~W~~ Gross

L Reading

RP Reading

## MEMO ROUTE SLIP

Form AEC-93 (Rev. May 14, 1947) AECM 0240

See me about this.

For concurrence.

For action.

Note and return.

For signature.

For information.

TO (Name and unit) <i>A. Giambusso</i>	INITIALS	REMARKS
	DATE	
TO (Name and unit) <i>M. Karman</i>	INITIALS	REMARKS
	DATE	<i>(BEVERLY - 7597)</i>
TO (Name and unit)	INITIALS	REMARKS
	DATE	
FROM (Name and unit) <i>D. Mallow</i>	REMARKS <i>We should be sure that the Commission policy noted in the first 1 1/2 pages accurately reflects current thinking.</i>	
PHONE NO.	DATE <i>4/15</i>	

USE OTHER SIDE FOR ADDITIONAL REMARKS

★ 580-1071-0-122-204

March 24, 1972

1. Mr. Hoffmann  
A-241

May we have your advice on filing the attached letter in the Public Document Room?

Ref: Ltr David Seymour to Schlesinger,  
3/18/72  
Docket No. 50-247



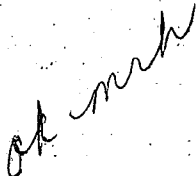
Jeanne Cook  
Office of the Director  
of Regulation

- 
2. Jeanne Cook  
008 Bethesda

X

Approved for filing in PDR.

\_\_\_\_\_ Document not to be filed in the PDR.



Martin R. Hoffmann  
General Counsel

**RECEIVED**

U. S. Atomic Energy Commission  
Office of the General Counsel

MAR 24 1972

A.M.

P.M.

7 8 9 10 11 12 1 2 3 4 5 6

1

OFFICE OF THE CHAIRMAN

TO:

*D/R*

REPLY FOR \_\_\_\_\_ 's SIGNATURE

REPLY FOR SIGNATURE BY: GM \_\_\_\_\_ DR \_\_\_\_\_

FOR APPROPRIATE HANDLING

(Please send ONE copy of reply to Office of the Chairman)

FOR INFORMATION: GM \_\_\_\_\_ DR \_\_\_\_\_ COMMISSIONERS \_\_\_\_\_

REMARKS:

*Cy to Mrs Hoffmann*

A. W. JACKSON  
For the Chairman