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May 30, 1972

U.S. Atomic Energy Commission
1717 H Street, N. W.
Washington, D. C.

In re: Consolidated Edison Company of
New York, Inc. (Indian Point Unit No. 2)
Docket No. 50-247

Gentlemen:

As a Congressman representing a district which lies within the Consolidated Edison service area as well as being adjacent to the Hudson River, I am writing to comment on the Commission's draft NEPA statement on Indian Point 2 as it relates to an important environmental issue - the protection and enhancement of the natural aquatic life of the Hudson.

The state of New York has sought to protect its fisheries by legislation, imposing a \$10 civil penalty for the taking of fish by the drawing off of water. Recently the Attorney General of New York filed suit against Con Edison for \$1.6-million for fish killed at Indian Point 2. This is the second major legal action which the Attorney General has launched in the effort to protect fish at the Indian Point site. These are important actions, but the answer to fish protection does not lie in fines and damage actions. They do nothing to improve the Hudson fishery and if the sums are in any way passed on to the consumers they will increase electrical bills with little direct gain to the River or the people of New York.

A very important part of the real work of protecting the great and productive fishery of the Hudson lies with the AEC. In these circumstances I was shocked to read in the draft statement that the annual loss of striped bass "may be as high as 15% to 20% from the direct effects of Plant operation." Similar figures would hold true for other fish species as well. Fish destruction of this magnitude - or anything close to it - is an unacceptable assault on both the fishery and the general environment of the Hudson. If these kills are accompanied by fines levied by the State, the situation will also be intolerable for the citizens of New York City whose electrical bills are decided by the fate of Con Edison.

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Rec'd Off. Dir. of Reg.

Date 6/2/72

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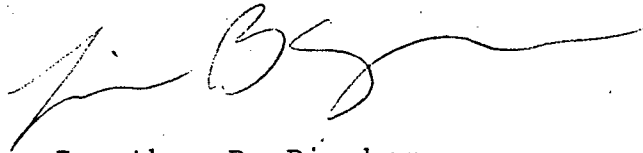
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Environmentally, the situation will also be made worse when the Bowline Point and Roseton plants go on line in the course of the next two years. The draft statement does not address itself to these plants. I consider this a major flaw in the statement. Those plants will have an effect on the Hudson similar to that of the Indian Point plant. It is impossible to judge fully the damage on the River unless we see Indian Point 2 as part of the total array of plants which will be operating on the Hudson in the course of the next few years. It was precisely to produce analyses of this sort that the Congress passed the National Environmental Policy Act. As part of its duty under the Act, the Commission should consider the full impact of the power plants now under construction on the Hudson.

From the draft statement, it appears that the only solution to the fish kill problem will be an alternate cooling system. This may be expensive, but it has the clear advantage that money spent would actually go toward the protection of the Hudson fishery and would not be drained away in law suits with their consequent fines and damages.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. B. Bingham', with a long horizontal flourish extending to the right.

Jonathan B. Bingham

JBB:AJD

FROM
Rep. Jonathan B. Bingham (N.Y.)

CONTROL NUMBER

4566

FILE LOCATION

DATE OF DOCUMENT

5/30/72

COMPLETION DEADLINE

6/6/72

TO

USABC

ACTION PROCESSING DATES

Acknowledged _____

Interim Report _____

Final _____

PREPARE FOR SIGNATURE OF:

Chairman

Director of Regulation

DESCRIPTION

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Original

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Other

Comments on the draft environmental statement on Indian Point 2 as it relates to the protection of aquatic life of the Hudson River

REMARKS

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DATE

IS NOTIFICATION TO THE JCAE

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RECOMMENDED? _____

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PDR (50-247)

Docket Files