

50-286  
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SEP 15 1969

Honorable Jacob K. Javits  
United States Senate

Dear Senator Javits:

I am pleased to respond to your referral of a letter dated March 31, 1969, from Professor La Mont C. Cole of Cornell University, regarding thermal effects of nuclear power plants.

The New York State Electric and Gas Corporation on April 11, 1969, announced indefinite postponement of its plans for a nuclear plant at its Bell Station on the shore of Cayuga Lake, about which Professor Cole was particularly concerned.

The Commission recognizes the desirability of controlling thermal effects of released heated water on the environment, and has examined a number of proposed legislative solutions to this problem over the past few years. The AEC favors legislation in this area along the lines of the proposed Water Quality Improvement Act of 1969, introduced in the Senate as S. 7 by Senator Muskie for himself and others. This legislation would require applicants for federal licenses to obtain advance certification from state water pollution control agencies with respect to compliance with applicable state water quality standards, and the AEC would be precluded from issuing any license or construction permit until this precondition had been met. AEC Commissioner James T. Ramey appeared before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works on March 3, 1969, where he testified that the Commission was pleased to support this proposed legislation, subject to certain technical modifications.

The AEC presently lacks authority to impose restrictions regarding the thermal effects of discharges from licensed nuclear facilities and, therefore, the Indian Point 3 Atomic Safety and Licensing Board did not have jurisdiction over this subject. Licensing by the AEC, however, does not relieve the applicant from being subject to the appropriate jurisdictions in other areas which would also be involved if the plant were fueled by coal, oil, or other nonnuclear means. Each state, of course, has the same authority to deal with thermal effects from nuclear power plants as it does from fossil fueled power plants unless in some way restricted by state law. In this connection, the AEC keeps interested state and local officials informed of applications received and licensing actions taken on the proposed nuclear projects.

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*over this subject*

OFFICE ▶

SURNAME ▶

DATE ▶

Honorable Jacob K. Javits

- 2 -

The Commission is cognizant of the Department of the Interior's interest in the thermal effects of such discharges under the Fish and Wildlife Coordination Act and the Federal Water Pollution Control Act, as amended. Under a 1964 Memorandum of Understanding between the Atomic Energy Commission and the Department of the Interior, the AEC routinely obtains expert advice and recommendations on all projected nuclear power facilities from appropriate agencies of the Department. This practice involves the U. S. Geological Survey, the U. S. Fish and Wildlife Service, and more recently, the Federal Water Pollution Control Administration. In addition to comments on the radiological health and safety aspects of the proposed facility, the Fish and Wildlife Service report (which includes FWPCA's comments) also makes recommendations on nonradiological matters, including the thermal effects of the discharge of coolant water in the marine environment. A copy is sent to the applicant, calling attention to the Service's recommendations concerning potential nonradiological effects and urging cooperation with the appropriate federal and state agencies. These reports are also made public and are forwarded to the state and local agencies that may have an interest for their information and use.

Sincerely,

*S/C. L. Henderson*  
 for Harold L. Price  
 Director of Regulation

Distribution:

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- Public Document Room (Docket Nos. 50-286  
 JCAE (2) 50-319)

Enclosure:

Ltr fm Prof. La Mont C. Cole dtd 3/31/69

OFFICE	DR WCD C/L	DIR:DRL M	OGC TBC S	DIR:DR HLPrice	OCR C/L
SURNAME	Henderson:ps	PA Morris			
DATE	8/22/69	8/29/69	9/9/69	9/11/69	9/12/69

## CORNELL UNIVERSITY

DIVISION OF BIOLOGICAL SCIENCES

ITHACA, N. Y. 14850

SECTION OF ECOLOGY & SYSTEMATICS  
Bldg. # 6 Langmuir Lab.

RECD APR 3 1969

March 31, 1969

Senator Jacob Javits  
Senate Office Building  
Washington, D. C.

Dear Senator Javits:

On March 26, 1969 I was called as a witness at an Atomic Energy Commission hearing in Buchanan, New York. The subject of the hearing is a request from the Consolidated Edison Co. for a permit to construct Indian Point reactor No. 3.

The presiding officer ruled that I might not give testimony on the subject of thermal pollution except as temperature might affect radiological risks.

I am writing to request that you use any influence you may have to assure that thermal pollution will be taken into account in approving sites for nuclear plants. This is urgent because we expect very soon to have hearings here on the Bell reactor which New York State Electric and Gas Co. proposes for the shore of Cayuga Lake. The Lake may be ruined by the thermal pollution and it is simply outrageous to ignore this in granting a construction permit. Standards for thermal release into a flowing river simply do not apply to a stratified lake.

Very sincerely yours,

La Mont C. Cole  
Professor of Ecology

LCC:es

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Javits (N. Y.)

CONTROL NUMBER **2229**

ACTION COMPLETION DEADLINE

7/1/69

DATE OF DOCUMENT

Undated

FILE LOCATION

TO

OCR

ACTION PROCESSING DATES

Acknowledged \_\_\_\_\_

Interim Report \_\_\_\_\_

Final \_\_\_\_\_

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DESCRIPTION **Ltr**  Original  Copy  Other

Transmitting 9 letters re proposed nuclear power plants by Consolidated Edison in New York.

GM 15653

REMARKS

Reply for signature of Dir. of Reg.

Is notification to the JCAE recommended? \_\_\_\_\_

REFERRED TO

DATE

Horris f/action 6/25/69

Cys: NPrice York, ASLB

Back PER (50-1)

Moore (50-247)

Henderson (50-286)

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