

247
Docket No. 50-3

JAN 15 1966

Dear Mr. Vandivert:

Your letter of December 7, 1965, raises a number of questions concerning the position of the Atomic Energy Commission with respect to the protection of fish in the licensing of nuclear facilities.

As you indicate in your letter, the Commission's responsibilities under the Atomic Energy Act for the protection of the public health and safety are limited to radiological considerations. Thus, only the possible effects of radiation on the marine ecology are considered by the Commission in the licensing of nuclear power plants.

In carrying out its responsibilities in this area, the AEC seeks the advice of the Fish and Wildlife Service, U. S. Department of Interior. In this regard, I should point out that the application for an additional nuclear facility at Indian Point, filed by Consolidated Edison Company on December 6, 1965, was transmitted to the Fish and Wildlife Service for its review and recommendations on December 10, 1965. We understand that, as a matter of routine, the Service solicits the comments of appropriate state agencies and local sports fisheries and wildlife conservation groups before submitting its report to the AEC. In addition to the distribution which the Fish and Wildlife Service makes of its report, a copy of the report is included as an appendix in the AEC's safety analysis which is made a part of the public record and given wide distribution prior to the public hearing.

Of course, there are several other agencies, both federal and state, which exercise certain authority over the non-radiological aspects of the operation of nuclear power plants, such as the Atomic and Space Development Authority, the Office of Atomic Development of the State of New York, and the U. S. Federal Power Commission. You may wish to write these agencies directly concerning their jurisdiction in the areas about which you are concerned.

Your letter also requests information concerning intervention in the hearings on the proposed new facility at Indian Point. As provided in the Atomic Energy Act, a notice of hearing prescribing the time in which a person may seek to intervene will be issued by

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JAN 15 1966

Mr. Vandivert

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the Commission at least 30 days prior to any hearing which may be conducted with respect to this application. I have directed the Secretary to send you a copy of any such notice which may be issued. An explanation of the Commission's procedures is set forth in the enclosed pamphlet, "Licensing of Power Reactors." I am also enclosing copies of pertinent Commission regulations.

Sincerely yours

Chairman

Enclosures

- 1. Pamphlet, "Licensing of Power Reactors"
- 2. Regulations. Parts 2, 20, 50 and 100

Mr. Rod Vandivert
The Hempstead Town Lands Resources Council
914 South Long Beach Island
Freeport, Long Island, New York

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Form AEC-98 (Rev. May 14, 1947)

See me about this.
Note and return.

For concurrence
For signature.

For action.
For information.

TO (Name and unit)		INITIALS	REMARKS
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Howard K. Shapar Assistant General Counsel Licensing and Regulation			
PHONE NO.	DATE		
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USE OTHER SIDE FOR ADDITIONAL REMARKS

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FROM Kod Vandivert, Chairman The Hempstead Town Lands Resources Council		CONTROL NUMBER 495	ACTION COMPLETION DEADLINE
TO The Dr. Seaborg Dir. to REG f/Chm's sign. by off.of Chm.		DATE OF DOCUMENT 12/7/65	FILE LOCATION
DESCRIPTION Ltr <input type="checkbox"/> Original <input checked="" type="checkbox"/> Copy <input type="checkbox"/> Other		ACTION PROCESSING DATES Acknowledged _____ Interim Report _____ Final _____	INFORMATIONAL COPY DISTRIBUTION ____Chairman _____ADNS _____COM ____GM _____ADA _____SS ____Dep. Dir. _____OGC _____SLR ____A.D. _____RL _____ML
questioning the position of AEC in regard to fish protective matters, and requesting last possible date for intervention in hearings re the proposed expansion at Indian Point.		REMARKS <i>4. Done 12/13</i> <i>2. Boylston</i> <i>3. Rele</i> <i>Con - Ed R</i> <i>50-247</i>	
REFERRED TO	DATE	PREPARE FOR SIGNATURE OF:	
Doddy f/action	12/10/65	XXX	CHAIRMAN
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		Form HQ-32 (7-64) U.S. AEC	

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Reply for Chairman's Signature

With or without copies for
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For Information

REMARKS _____

Arnold R. Fritsch
For the Chairman

Rec'd Off. Dir. of Reg.
Date 12-10-65
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Beth.