50-305

JUL 2 2 1970

LIST of persons receiving
encl's

ENVIRONMENTAL FILE
SEE 50-358 for encl's &

Honorable Warren P. Knowles
Governor of Wisconsin
Madison, Wisconsin 53702

Dear Governor Knowles:

Under the recently enacted National Environmental Policy Act of 1969, a copy of which is enclosed, each Federal agency is required to consult with appropriate Federal, State, and local agencies concerning major Federal actions significantly affecting the quality of the human environment and to prepare a detailed statement concerning, among other things, the environmental impact of the proposed action. I am enclosing a statement of general policy which indicates the manner in which the Commission proposes to exercise its regulatory responsibilities under the Act. This policy statement is based upon the Council on Environmental Quality's Interim Guidelines (copy enclosed), and was published for public comment in the Federal Register on June 3, 1970.

As the policy statement indicates, the Commission has identified the licensing of nuclear power reactors as one of the actions which would require the preparation of a detailed environmental statement, and a statement will be prepared for the Wisconsin Public Service Company's Kewaunee Nuclear Power Plant.

As provided in our policy statement, when we receive an applicant's environmental report, a summary notice of the availability of the report will be published in the Federal Register inviting within 60 days comments on the proposed action and the report from State and local agencies of any affected State, with respect to matters within their jurisdiction, which are authorized to develop and enforce environmental standards. If you would let us know the name of the person or agency responsible for coordinating this within your State, we will send copies of the environmental report to your designee when it is received.

With respect to the application of the Wisconsin Michigan Power Company for the Point Beach Nuclear Plant, Units 1 and 2, our safety review was substantially completed by the time the National Environmental Policy Act was enacted. The notice of intent to issue an operating license for Unit 1 was published in the Federal Register on July 15, 1970. In order not to delay the on-line availability of the plant, therefore, the environmental statement will be prepared based upon information currently contained in the application file, and comments will not be solicited from Federal, State, and local agencies.

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Congress also recently enacted the Water Quality Improvement Act of 1970 (copy enclosed), which amends the Federal Water Pollution Control Act. This new legislation requires applicants for a construction permit and operating license for any nuclear power plant which will discharge effluents into the navigable waters of the United States to provide the AEC with a certification from the State or interstate pollution control agency, or the Secretary of the Interior, as appropriate, that there is reasonable assurance that the plant will not violate applicable water quality standards. The AEC would generally be prohibited from issuing any such permit or license without having received this certification. Where actual construction of the facility has commenced, or where an application was pending on April 3, 1970, sections 21(b) (7) and (8) of the Federal Water Pollution Control Act, as amended, extend the period of time within which the certification must be obtained. It would be helpful to us to know the name and address of the agency authorized to issue the water quality certification for the State of Wisconsin.

If we can provide further information concerning these Acts or assistance in understanding how the Commission intends to comply with their requirements, please let me know. You may be interested in knowing that the Commission has a program for the transfer to individual states of certain of the Commission's authority over the licensing and regulation of nuclear materials (radioisotopes, source materials--uranium and thorium, and small quantities of special nuclear materials). Thus far, some 22 states have assumed this authority under agreement between their Governors and the Commission and are currently administering about 47% of all nuclear materials licenses in the United States. We would be pleased to provide you with additional information concerning this program.

Sincerely,

(signed) Harold L. Price

Harold L. Price
Director of Regulation

Enclosures:
1. National Environmental Policy Act
2. AEC Statement of General Policy
3. Council on Environmental Quality's Interim Guidelines
4. Water Quality Improvement Act of 1970

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With respect to the application of the Wisconsin Michigan Power Company for the Point Beach Nuclear Plant, Units 1 and 2, our safety review was substantially completed by the time the National Environmental Policy Act was enacted, and it is expected that a notice of intent to issue an operating license will be published within the next few weeks. In order not to delay the on-line availability of the plant, therefore, the environmental statement will be prepared based upon information currently contained in the application file, and comments will not be solicited from Federal, State, and local agencies.

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