

*Docket*

FEB 26 1974

Docket No. 50-331

Honorable Harold E. Hughes  
United States Senate

Dear Senator Hughes:

We are pleased to respond to your letter of January 31, 1974, which has been referred to this office for reply. Accompanying your letter as an attachment was a letter dated January 21, 1974, from Irene and William Kilberger. You requested our consideration of their letter and our findings and views with respect to their concerns. In their letter, Irene and William Kilberger state that the nuclear plant near Palo, Iowa should not be allowed to operate as it is close to Cedar Rapids, Palo, and Covington, Iowa. They asked for your intervention until the Iowa court case has been settled.

I would like to begin our reply by first briefly describing the Duane Arnold Energy Center (DAEC), and then proceed with a brief description of our licensing proceedings regarding the DAEC and a description of the present status of DAEC. The DAEC is a boiling water reactor nuclear power plant located in Linn County, Iowa, about 2-1/2 miles NNE of the village of Palo, Iowa, and 8 miles northwest of Cedar Rapids, Iowa. The generating capacity of the DAEC is about 589 Megawatts - electric.

The applicants for the DAEC, the Iowa Electric Light and Power Company, the Cornbelt Power Cooperative, and the Central Iowa Power Cooperative, filed their application for a construction permit on November 4, 1968. Following an evaluation of this application by the Regulatory staff, and following public hearings on health and safety matters held before an Atomic Safety and Licensing Board on March 24-25, 1970 and on June 4, 1970, the Director of Reactor Licensing of the U. S. Atomic Energy Commission (AEC) issued a construction permit (CPPR-70) to the applicants on June 22, 1970. The DAEC has been under construction since this date and is now almost ready for fuel loading. The application for an operating license for the DAEC was docketed for review by the AEC's Regulatory staff on May 8, 1972. The Regulatory staff's review of this application included both a radiological health and safety review and an environmental impact review. The results of the Regulatory staff's radiological safety review are reported in "Safety Evaluation of the Duane Arnold Energy Center", dated January 23, 1973 (Enclosure 1). The results of the environmental impact review are

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reported in "Final Environmental Statement", dated March 1973 (Enclosure 2). Both of these documents, along with the complete application, including the applicants' Final Safety Analysis Report and the Environmental Report and all other documents relating to this application, are available for public inspection at the AEC's public document room at 1717 "H" Street, N.W., Washington, D. C. and at the Cedar Rapids Public Library, 426 - 3rd Avenue, S.E., Cedar Rapids, Iowa 52401. The public hearing on environmental impact matters was held in Cedar Rapids, Iowa on May 3, 1973. The above described proceedings are undertaken by the AEC on all applications for licenses to construct and operate nuclear power plants. A more detailed description of these proceedings is contained in the "Summary of the Nuclear Power Plant Licensing Reviews Conducted by the Regulatory Staff of the U. S. Atomic Energy Commission" (Enclosure 3).

The construction and preoperational testing of the various systems of the DAEC are nearing completion. On successful completion of these activities, we expect to issue a full term operating license for the DAEC to the applicants. The projected issuance date is about February 15, 1974.

With respect to the "Iowa Court Case" referred to by Irene and William Kilberger, we understand that this is a suit now pending before the District Court for the County of Linn in Iowa to require the Iowa State Commerce Commission to assume jurisdiction over the DAEC and to conduct public hearings. We further understand that the Iowa State Commerce Commission had previously determined that it did not have regulatory jurisdiction over the DAEC.

I hope this information is responsive to your request for a consideration of Irene and William Kilberger's letter and that it provides you with the information you require regarding the Duane Arnold Energy Center. In accordance with your request, we are enclosing their letter of January 21, 1974.

Sincerely,

Original signed by  
Roger S. Boyd

A. Giambusso, Deputy Director  
for Reactor Projects  
Directorate of Licensing

Enclosures:

1. Safety Evaluation, dated January 23, 1973
2. Final Environmental Statement, dated March 1973
3. Summary of Licensing Reviews
4. Incoming ltr. dated 1/21/74 from Irene and

William Kilberger

OFFICE >					
SURNAME >					
DATE >					

Honorable Harold E. Hughes

- 3 -

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DATE >	2/11/74	2/15/74	2/21/74	2/22/74	2/25/74	

FROM Sen. Harold E. Hughes (Iowa)	CONTROL NUMBER <b>6650</b>	FILE LOCATION
TO OCR	DATE OF DOCUMENT 1/31/74	ACTION COMPLETION DEADLINE 2/8/74
	ACTION PROCESSING DATES Acknowledged _____ Interim Reply _____ Final <u>1/31/74</u> <u>Buyd for the Bureau</u>	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <u>X</u> Giambusso

DESCRIPTION Ltr ☒ Original ☐ Copy ☐ Other 2/26/74

Encl ltr fm Irene & William Kilberger, Swisher, Iowa - opposes operation of nuclear plant near Cedar Rapids & asks the Senator's intervention until the Iowa court case has been settled

REMARKS

Return incoming ltr w/reply

Mark envelope to Attn:  
C. Hotz

42945	
REFERRED TO ↓ Giambusso f/action <u>DeYoung Butler</u>	DATE 2/5/74 <u>2/5</u>
IS NOTIFICATION TO THE JCAE RECOMMENDED? <u>No</u> <u>WB</u>	
Cys: O'Leary Docket Files) 50-331 PDR LPDR Shapar	

*Handwritten signatures and initials:*  
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me

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DIRECTOR OF REGULATION  
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)  
USAEC

FROM Sen. Harold E. Hughes (Iowa)	CONTROL NUMBER <b>6650</b>	FILE LOCATION
TO OCR	DATE OF DOCUMENT <b>1/31/74</b>	ACTION COMPLETION DEADLINE <b>2/8/74</b>
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		Docket Files) 50-331
		PDR
		LPDR
		Shapar

*EA* *Ref 10.4.30.2 me*

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DIRECTOR OF REGULATION  
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)  
USAEC

FROM

SEN. HAROLD E. HUGHES (IOWA)

DATE OF DOCUMENT

1/31/74

DATE RECEIVED

2/1/74 GT

CONTROL NUMBER

42945

SUSPENSE DATE

2/6

FILE CODE

TO

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☐DESCRIPTION: LTR ☒ Original☐ Copy☐ OtherRE HNC. LTR FM IRENE & WILLIAM KILBERGER, SWISHER,  
IOWA, RE THE NUCLEAR PLANT NEAR PALO

PREPARE FOR SIGNATURE OF:

☐ CHAIRMAN☒ DIV./OFFICE DIRECTOR☐ GENERAL MANAGER☐☐ ASST. GENERAL MANAGER \_\_\_\_\_

REMARKS:

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U. S. ATOMIC ENERGY COMMISSION

FORM HQ-284

(4-68)

FROM

SEN. HAROLD E. HUGHES (IOWA)

DATE OF DOCUMENT

1/31/74

DATE RECEIVED

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CONTROL NUMBER

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2/6

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SPECIAL INSTRUCTIONS

☐ Appropriate HandlingDESCRIPTION: LTR ☒ Original☐ Copy☐ OtherRE ENCL. LTR FM IRENE & WILLIAM KILBERGER, SWISHER,  
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☐ CHAIRMAN☒ DIV./OFFICE DIRECTOR☐ GENERAL MANAGER☐ ASST. GENERAL MANAGER

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U. S. ATOMIC ENERGY COMMISSION

FORM HQ-284

(4-68)

United States Senate

January 31, 1974

Respectfully referred to:

Congressional Liaison  
Atomic Energy Commission  
Washington, D. C. 20545

(RE: Kilberger)

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

attn: C. Hotz  
1327 Dirksen

HAROLD E. HUGHES  
U.S.S.

Form #2

Rec'd. Off. of Dir.  
of H.E.R.

Date 2/1/74  
Time 10:05 a.m.

Rec'd Off. Dir. of Reg.  
Date 2/4/74  
Time 11:10

DR- 6650

ack  
to AEC

JAN 25 RECD

Swisher, Iowa

Jan 21, 1974

Dear Mr. Hughes:

We feel that the nuclear plant  
near Palo should not be allowed  
to operate as it is too close to Cedar  
Rapids, Palo and Covington, Ia.

We are asking you to intervene  
until the Iowa Court Case has  
been settled. This will be deeply  
appreciated, thank you.

yours Truly,

Joene and Wilbur Kilberger  
Swisher, Ia, 52338