

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

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APR 26 1965

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Niagara Mohawk Power Corporation
Syracuse, New York

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New York State Office of Atomic
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230 Park Avenue
New York, N. Y. 10017

(Journal)
50-220

Gentlemen:

Enclosed for your information is a copy of the letter from Joseph F. Hennessey, General Counsel, dated April 23, 1965, to Carl Rachlin, Esq., General Counsel, Congress of Racial Equality, in response to the latter's letter to the Commission dated April 9, 1965.

Sincerely yours,

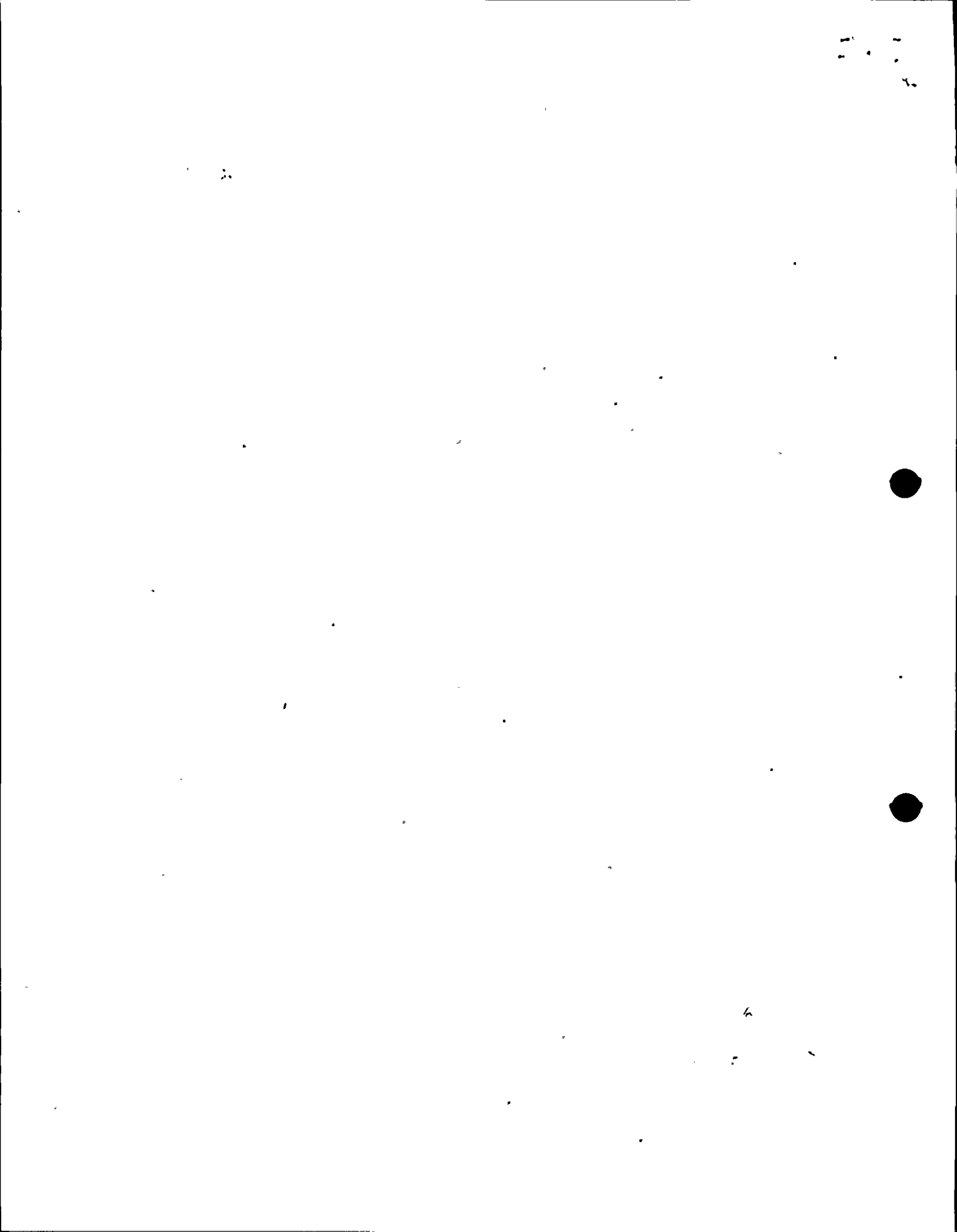
TSJ

Troy B. Conner, Jr.
Trial Counsel

Enclosure:
As stated

cc: Public Document Room

Central File Room
Reba Duggs
- 016



April 23, 1965

Carl Rachlin, Esq.
General Counsel
Congress of Racial Equality
38 Park Row
New York 38, New York

50-270

Dear Mr. Rachlin:

Chairman Seaborg has asked me to reply to your letter dated April 9, 1965, in which you request the opportunity to be heard while the Niagara-Mohawk construction permit proceeding is pending review before the Commission. I understand that your interest relates to the question of the fairness of the employment practices of Niagara-Mohawk.

There has been some misunderstanding perhaps concerning the purpose and scope of the proceeding. The pending proceeding involves only the regulatory functions of the Commission. The provisions of the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2011, et seq., limit the Commission's jurisdiction in regulatory matters to questions of public health and safety and common defense and security. The Commission does not have authority in its regulatory proceedings to take other considerations of social policy into account, no matter how worthy their purpose.

In your letter you have also referred to the obligations of the Federal Government under Title VI of the 1964 Civil Rights Act. Your reference to this provision may be based upon the assumption that there is federal financial assistance involved in the Niagara-Mohawk project. In fact, however, the entire project is privately financed and will receive no financial assistance from the Commission. The Commission, of course, is making every effort to comply scrupulously with both the spirit and the letter of the 1964 Civil Rights Act in all programs to which that act applies.

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Carl Rachlin, Esq.

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I trust that you will understand, therefore, that the Commission has no authority or jurisdiction to consider the matters raised in your letter.

I regret any inconvenience our delay in responding may have caused you. If I can be of any further assistance, please let me know.

Sincerely yours,

Signed
Joseph F. Hennessey
Joseph F. Hennessey
General Counsel

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33 PARK ROW
NEW YORK 33, NEW YORK
CORtlantd 7-6270

April 9, 1965

Hon. Glenn T. Seaborg, Chairman
Atomic Energy Commission of the
United States
Washington, D. C. 20545

56-220
(Journal)

Dear Dr. Seaborg:

The Syracuse Chapter of the Congress of Racial Equality has been attempting to obtain the attention of the Niagara-Mohawk Power Corporation to the correction of the latter's employment practices for many months.

It is no secret that these practices do not meet a reasonable standard of fairness. In Syracuse, for example, approximately $\frac{1}{2}$ of 1% of the employees of Niagara-Mohawk are Negro despite the fact that more than 20% of the population of the city is Negro.

We have been advised that the Atomic Energy Commission has tentatively granted a license to Niagara-Mohawk to build a nuclear power plant in Scriba, New York, at Nine Mile Point. While Niagara-Mohawk may be technically and financially qualified to design and build such a plant, we strongly urge that it does not meet the minimum standards of the United States Constitution nor a reasonable standard of fairness. It is a publicly granted monopoly with publicly protected profits. By awarding such a contract to Niagara-Mohawk, you are further increasing its profits and further diminishing the rights of American citizens to equal opportunity and fair employment. Surely, mere technical skill must not be the test of who receives a major contract from the United States government.

Of course, we need not remind you of the obligations of the federal government under Title VI of the 1964 Civil Rights Act.

James Farmer
national director
Richard Haley
associate
Gordon Carey
assistant
Carl Rachlin, Esq.
general counsel

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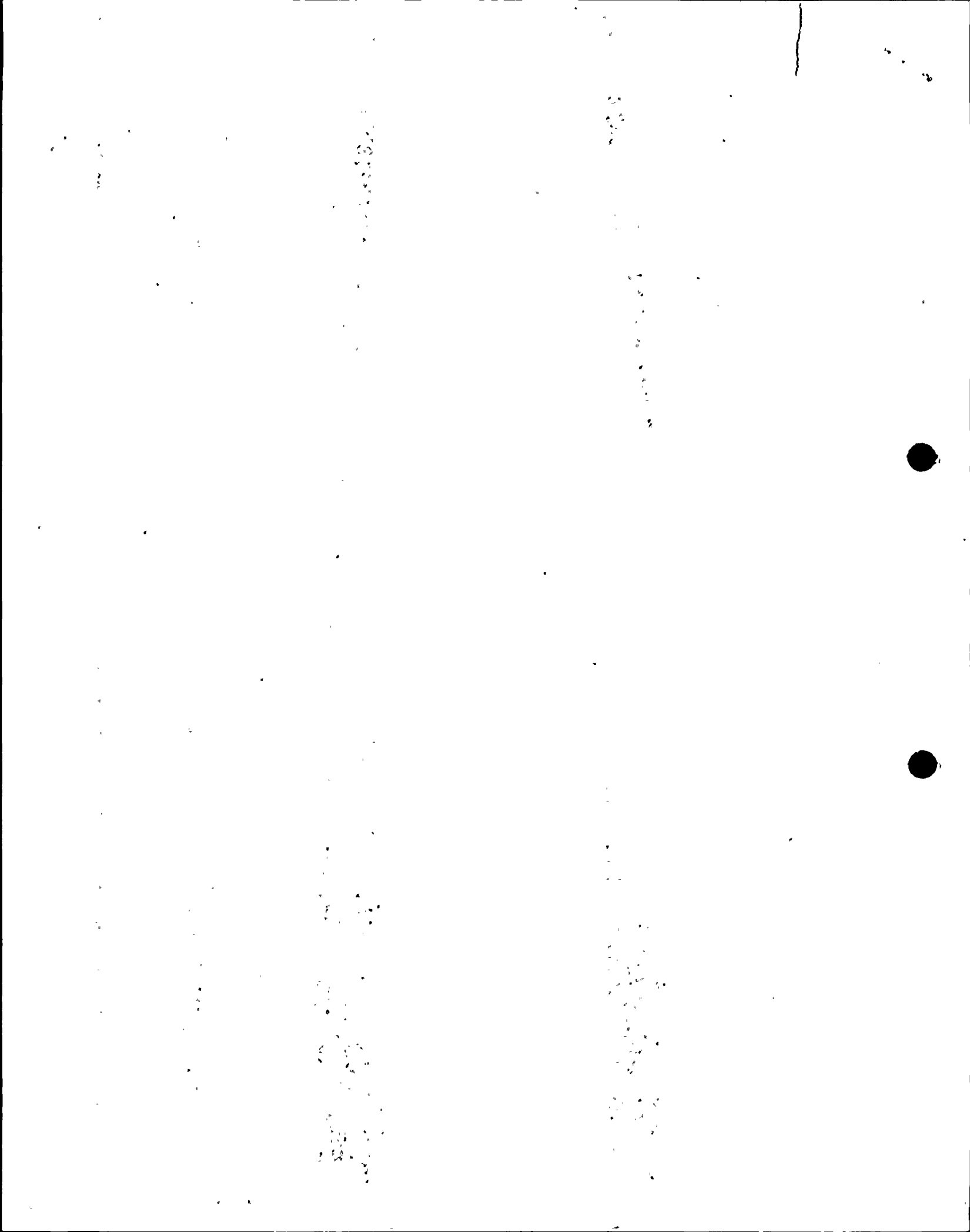
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Hon. Glenn T. Seaborg
April 9, 1965
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We urgently request the opportunity to be heard by you before the expiration of the 45-day provisional period. We await your word as to the time and place of the hearing. We will produce such witnesses as are necessary.

Respectfully,



Carl Rachlin
General Counsel

CR/g

cc: Hon. Hubert H. Humphrey

Hon. Nelson Rockefeller

Hon. James A. Lundy, Chairman
New York State Public Service Commission

Faith Seidenberg, Esq.
Counsel, CORE, Northern New York

