

POOR
ORIGINAL

Honorable Thomas Ludlow Ashley
House of Representatives

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Dear Mr. Ashley:

I am pleased to respond to your referral of September 17, 1969, concerning a letter you received from Mr. Bruce M. Hankins. Mr. Hankins raises the question as to what controls are being exercised on the discharge of heated water for the proposed Davis-Besse facility to be located on the shore of Lake Erie.

Under the Atomic Energy Act, the Commission has the responsibility and the authority for the licensing and regulation of nuclear reactors from the standpoint of radiological health and safety. The AEC presently lacks authority to impose restrictions regarding the thermal effects of discharges from licensed nuclear facilities. 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 Water Quality Act of 1965 provides a comprehensive program through which water quality standards, including standards on thermal effects, are developed by the states and approved by the Secretary of the Interior. Under this program, the Secretary of the Interior has approved water quality standards for Lake Erie.

As a part of our safety review, the AEC routinely receives from the Department of the Interior recommendations and comments on all applications for construction permits. The report by the Department of the Interior's Fish and Wildlife Service also makes recommendations on nonradiological matters, including thermal effects of the discharge of coolant water in the marine environment. A copy of this report 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. This report is also made public and is forwarded to the state and local agencies that may have an interest for their information.

With respect to the Davis-Bease station, The Toledo Edison Company and The Cleveland Electric Illuminating Company plan a comprehensive study of the potential effects of the plant upon Lake Erie. They have engaged the Great Lakes Research Division, Institute of Science and Technology, of the University of Michigan, under Dr. J. C. Ayers, to conduct this study. The applicants have already been in contact with state and federal agencies who will participate in the program as it develops. The applicants state that the primary purpose of the study is to collect limnological data to determine the means by which established radiological and thermal discharge standards will be met.

Sincerely,

(signed) Harold L. Price

Harold L. Price
Director of Regulation

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RETYPE IN OFFICE OF DIRECTOR OF REGULATION TO DELETE
REFERENCE TO FWPCA COMMENTS, 4th PARAGRAPH, PAGE 1; AND
TO DELETE FIRST PARAGRAPH, PAGE 2 AT SUGGESTION OF OGC.
SEE ATTACHED YELLOW FOR PREVIOUS CONCURRENCES

OFFICE ▶	DRL:RP	DRL:RP	DIR:DRL	DIR:DR	OGC	OCR
SURNAME ▶	RRPowell:dj:ps	RLTedesco	PAMorris	HLPrice	See identical at 10/22/69	①
DATE ▶	10/16/69	10/17/69	10/22/69	10/28/69	10/22/69	10/24/69

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As a part of our safety review, the AEC routinely receives from the Department of the Interior recommendations and comments on all applications for construction permits. The report by the Department of the Interior's Fish and Wildlife Service ~~(which includes comments and recommendations by the Federal Water Pollution Control Administration)~~ also makes recommendations on nonradiological matters, including thermal effects of the discharge of coolant water in the marine environment. A copy of this report 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. This report is also made public and is forwarded to the state and local agencies that may have an interest for their information.

OFFICE ▶					
SURNAME ▶					
DATE ▶					

The AEC is now conducting a survey of all utilities that are constructing or operating nuclear power facilities to obtain detailed information concerning their programs and studies relating to thermal effects. Our information to date indicates that the utilities are cooperating in resolving the various environmental problems that might be associated with the construction and operation of these nuclear facilities.

With respect to the Davis-Besse station, The Toledo Edison Company and The Cleveland Electric Illuminating Company plan a comprehensive study of the potential effects of the plant upon Lake Erie. They have engaged the Great Lakes Research Division, Institute of Science and Technology, of the University of Michigan, under Dr. J. C. Ayers, to conduct this study. The applicants have already been in contact with state and federal agencies who will participate in the program as it develops. The applicants state that the primary purpose of the study is to collect limnological data to determine the means by which established radiological and thermal discharge standards will be met.

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Director of Regulation

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See attached for other concurrences.

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DATE ▶	10-16-69	10-17-69	10- -69	10- -69	10- -69	10-

Honorable Thomas Ludlow Ashley

-2-

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