



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

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Docket No. 50-219

OCT 30 1973

Honorable Clifford P. Case
United States Senate

Dear Senator Case:

This is in response to your communication of October 5, 1973, which enclosed a letter from Henry J. Kurtz regarding the operation of the Oyster Creek Station.

The environmental impact of the Oyster Creek Station has been studied and evaluated by the Commission, and preliminary findings are described in a draft environmental statement which was issued in July 1973. Following receipt of comments from Federal, State and local agencies and interested individuals, a final environmental statement will be issued which will propose actions and conditions which should be instituted for protection of the environment. In the draft statement, the staff has included a discussion of the heated water, shipworm, siltation, fish kill, and inadequate monitoring problems, among others.

The staff has concluded that long term operation of the Oyster Creek Station under existing conditions is not acceptable, and steps must be taken to avoid recurrent fish kills of the magnitude previously experienced and to stabilize the canal banks to minimize siltation. Various alternatives for alleviating these and other impacts of the Oyster Creek Station are under study by the staff, and our recommendations will be set forth in the final environmental statement, which is currently scheduled to be issued in January 1974. Prior to a decision concerning issuance of a full term operating license for the Oyster Creek Station, a hearing will be held before the Atomic Safety and Licensing Board concerning environmental matters relating to the Station. Mr. Kurtz has submitted a petition to intervene in the proceeding which has been granted and he will have an opportunity to fully present his case at the hearing.

As we advised Mr. Kurtz when members of the staff and representatives of the AEC Office of General Counsel met with him on October 5, 1973, we have no basis for interjecting the Commission into the private lawsuit which he has brought against Jersey Central Power and Light Company. The Commission's statutory authority with respect to environmental matters is limited to conduct of a review of the environmental implications of a proposed Federal action (in this case, issuance of

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a full term operating license), wherein the environmental and other costs are balanced against the benefits of the proposed action, and documentation of the review along with staff conclusions and recommendations in the form of a final environmental statement. At the public hearing, the Atomic Safety and Licensing Board will take the conclusions of the staff into account in arriving at an independent determination as to whether a full term license should be issued and whether such a license should be conditioned in any way.

We are in receipt of Mr. Kurtz's letter of August 22, 1973, commenting on the Oyster Creek Draft Environmental Statement. As with other comments received on the draft environmental statement from Federal, State and local agencies, they will be carefully considered during the continuing environmental review leading to development of a final staff position, and responses to the comments, along with the comments themselves, will be included in the final environmental statement.

I am enclosing a copy of the Draft Environmental Statement for Oyster Creek Station for your information.

I hope this information will aid you in replying to Mr. Kurtz.

Sincerely,

acting
A. Ciambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosures:

1. Letter from Henry J. Kurtz, dated 10/3/73
2. Draft Environmental Statement for Oyster Creek Station

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