



THE VICE PRESIDENT
WASHINGTON

May 20, 1965

50-220
Suppl Only

Dear Glenn,

Thanks for your letter giving me the details of the issuance of a provisional construction permit to the Niagara Mohawk Power Corporation. I have written Mr. Rachlin of the Congress of Racial Equality a followup letter based on the data you have supplied me. I appreciate your help.

Sincerely,

Hubert H. Humphrey
Hubert H. Humphrey

Honorable Glenn T. Seaborg
Chairman
Atomic Energy Commission
Washington, D.C.

J. S. ATOMIC ENERGY COMM.
REGULATORY
MAIL SECTION

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

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50-220 not applicable

Dear Mr. Vice President:

Thank you for your letter of April 21, 1965, concerning the construction permit which was recently issued to Niagara Mohawk Power Corporation. You enclosed with your letter copies of two letters from Mr. Carl Rachlin, General Counsel for the Congress of Racial Equality, each dated April 9, 1965. One of those letters, addressed to you, refers to the employment practices of Niagara Mohawk and states that this corporation has been provisionally awarded "a contract" to build a plant in Scriba, New York. The other letter from Mr. Rachlin, addressed to me, has been answered by a letter, dated April 23, 1965, from our General Counsel, Mr. Joseph Hennessey. A copy is attached.

In his letter, Mr. Hennessey pointed out that the proceeding in question involves only the regulatory functions of the Atomic Energy Commission; that the Commission's jurisdiction in regulatory matters is limited by statute to questions of public health and safety and common defense and security; and that 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. It was also pointed out that the entire Niagara Mohawk project is privately financed and will receive no financial assistance from the Commission. As was indicated to Mr. Rachlin, the Commission is, of course, making every effort to comply scrupulously with both the spirit and letter of the 1964 Civil Rights Act in all programs to which that act applies.

Since then another letter has been received from Mr. Rachlin. In his letter of April 26, 1965, to Mr. Hennessey, Mr. Rachlin again refers to a tentative "contract". A copy of that letter is also enclosed.

The document to which Mr. Rachlin refers is a provisional construction permit which has been issued pursuant to Section 185 of the Atomic Energy Act of 1954. It provides authority to Niagara Mohawk to build a nuclear reactor. It is not a contract. It is not subject to Title VI of the 1964 Civil Rights Act. No contract whatever has been awarded by the Commission to Niagara Mohawk. The only contractual relationship between the Commission and Niagara Mohawk which is presently envisaged is an indemnity agreement under Section 170.c. of the Atomic Energy Act. That indemnity agreement, which will be

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TO: DIRECTOR, ATOMIC ENERGY COMMISSION
FROM: SAC, NEW YORK (100-155311)
SUBJECT: [Illegible]
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RE: [Illegible]
[Illegible text block]

DATE: [Illegible]
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Honorable Hubert H. Humphrey

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executed some time before Niagara Mohawk is licensed to bring nuclear fuel onto the reactor site, is considered to be a "contract of insurance or guaranty" to which Title VI of the 1964 Civil Rights Act does not apply.

Our General Counsel is available to discuss these matters with Mr. Rachlin. We will, of course, be happy to provide any other information that may be requested.

Cordially,

Signed
and
Dispatched

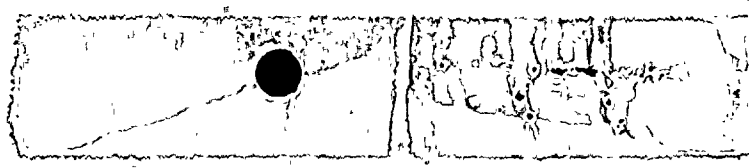
Chairman

Honorable Hubert H. Humphrey
The Vice President
United States Senate

Enclosures:

1. By letter, Hennessey to Rachlin, 4/23/65
2. By letter, Rachlin to Hennessey, 4/26/65

OGC	OGC	OGC	REG	GM
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5/4/65	5/ /65	5/ /65	5/ /65	



The following information is being provided for your reference. The data is derived from a comprehensive review of the records and is intended to provide a clear and concise summary of the findings. The information is organized into several sections, each addressing a specific aspect of the investigation. The first section, titled "Introduction," provides an overview of the project and the objectives of the study. The second section, titled "Methodology," describes the methods used to collect and analyze the data. The third section, titled "Results," presents the findings of the study in a clear and concise manner. The fourth section, titled "Conclusion," summarizes the key findings and provides recommendations for future research. The fifth section, titled "References," lists the sources of information used in the study. The sixth section, titled "Appendix," contains additional information that is relevant to the study but is not included in the main text. The seventh section, titled "Index," provides a list of the topics covered in the report. The eighth section, titled "Glossary," defines the terms used in the report. The ninth section, titled "Bibliography," lists the sources of information used in the study. The tenth section, titled "Index," provides a list of the topics covered in the report. The eleventh section, titled "Glossary," defines the terms used in the report. The twelfth section, titled "Bibliography," lists the sources of information used in the study. The thirteenth section, titled "Index," provides a list of the topics covered in the report. The fourteenth section, titled "Glossary," defines the terms used in the report. The fifteenth section, titled "Bibliography," lists the sources of information used in the study. The sixteenth section, titled "Index," provides a list of the topics covered in the report. The seventeenth section, titled "Glossary," defines the terms used in the report. 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