

April 23, 1965

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

50-220

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.

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,

Joseph F. Hennessey
General Counsel

