

NOV 2 1972

Docket No. 50-334

Duquesne Light Company  
ATTN: William A. Conwell  
Vice President  
435 Sixth Avenue  
Pittsburgh, Pennsylvania 15219

Gentlemen:

The Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-75 for the Beaver Valley Power Station. A copy of Amendment No. 1 is enclosed.

The construction permit has been amended pursuant to the revision of 10 CFR Part 50, Appendix D, published in the FEDERAL REGISTER on May 13, 1972 (37 F. R. 9619), which eliminated authority for the inclusion in construction permits and operating licenses of a specified condition relating to Federal and State environmental standards.

A copy of the amended regulation is also enclosed.

Sincerely,

Original signed by R. C. DeYoung

R. C. DeYoung, Assistant Director  
for Pressurized Water Reactors  
Directorate of Licensing

Enclosures:

1. Amendment No. 1 to CPPR-75
2. Federal Register publication  
of 5/13/72

cc: See next page

RETYPE TO INCLUDE WORD OMITTED IN 1ST TYPING. SEE PREVIOUS CONCURRENCES.

OFFICE ▶	L:PWR-1	L:PWR-1	L:PWR-1	OGC	L:AD:PWRs	
SURNAME ▶	JLepands	JAngelo	DVassallo		RCDeYoung	
DATE ▶	10/31/72	10/ /72	/ /72	/ /72	10/13/72	

**Duquesne Light Company**

cc w/encls.:

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Mr. William O. Walker, Director  
Department of Industrial Relations  
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Mr. John A. Coombs  
Mayor of the Borough of Shippingport  
Cotter Road  
Shippingport, Pennsylvania 15077

Honorable Arch A. Moore, Jr.  
Governor of West Virginia  
Charleston, West Virginia 25305

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State Director of Health  
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Mr. Lawrence Barker, Commissioner  
Department of Labor  
643 State Office Building  
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Mr. Carl Frasura  
Committee of State Officials on  
Suggested State Legislation  
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Morgantown, West Virginia 26505

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HMueller, GMR/H  
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FKaras, SECY  
St. George T. Arnold, ORNL

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PCollins, L  
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DNussbaumer, F&M  
JSaltzman, OAI  
RSBoyd, L  
JDelaney, L  
JAngelo, L  
JLee, L (2)

OFFICE ▶						
SURNAME ▶						
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A copy of the amended regulation is also enclosed.

Sincerely,

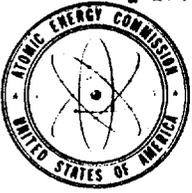
R. C. DeYoung, Assistant Director  
for Pressurized Water Reactors  
Directorate of Licensing

Enclosures:

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2. Federal Register publication of 5/13/72

cc: See next page

OFFICE ▶	L: PWR-1	K: PWR-1	L: PWR-1	OG	L: AD/PWRs	
SURNAME ▶	J. Lee	J. Angelo	DBVassallo		RCDeYoung	
DATE ▶	10/21/72	10/27/72	10/27/72	10/27/72	10/ /72	



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

DUQUESNE LIGHT COMPANY  
PENNSYLVANIA POWER COMPANY  
OHIO EDISON COMPANY

(Beaver Valley Power Station, Unit 1)

DOCKET NO. 50-334

CONSTRUCTION PERMIT

Construction Permit No. CPPR-75  
Amendment No. 1

Pursuant to the revision of the Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, published in the FEDERAL REGISTER on May 13, 1972 (37 F.R. 9619), Construction Permit No. CPPR-75 issued to Duquesne Light Company, Pennsylvania Power Company, and Ohio Edison Company for the Beaver Valley Power Station, Unit No. 1, is amended by deleting paragraph 4 thereof.

FOR THE ATOMIC ENERGY COMMISSION

*A. Giambusso*

A. Giambusso, Deputy Director  
for Reactor Projects  
Directorate of Licensing

Date of Issuance: November 2, 1972

**Title 10—ATOMIC ENERGY**

**Chapter I—Atomic Energy  
Commission**

**PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

**Implementation of National  
Environmental Policy Act of 1969**

On September 9, 1971, the Atomic Energy Commission published in the FED-

ERAL REGISTER (36 F.R. 18071) a revision of Appendix D of its regulation in 10 CFR Part 50, effective on publication. Revised Appendix D as published is an interim statement of Commission policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA) in light of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.*, Nos. 24,839 and 24,871. The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

Paragraph 13 of section A of Appendix D of Part 50 provides that:

The Commission will incorporate in all construction permits and operating licenses for production and utilization facilities described in paragraph 1, a condition, in addition to any conditions imposed pursuant to paragraph 11, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

The central premise of Appendix D prior to its revision in light of the earlier referenced *Calvert Cliffs'* decision, was the concept that the preservation of environmental values could best be accomplished through the establishment of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. The condition referred to was an aspect of NEPA implementation by the Commission reflecting that concept. Since the decision in the *Calvert Cliffs'* case, the Commission, in compliance with the mandate of the Court of Appeals, has revised its NEPA regulations to provide for an independent review of the environmental impact of the matters covered by such standards and requirements. Accordingly, the condition no longer serves the purpose intended. Any license conditions resulting from the Commission's independent review will be tailored to the particular facility. The Commission has, therefore, revoked paragraph 13 of section A of Appendix D of Part 50 since it is no longer necessary or appropriate. This amendment does not, of course, relieve holders of AEC licenses of any obligation which they otherwise have in regard to applicable standards and requirements imposed by other agencies under Federal or State law.

Because this amendment relates solely to elimination of an obsolete requirement, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and for making the amendment effective without the customary 30-day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 50, is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (5-13-72).

In Appendix D, paragraph 13 of section A is revoked.

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Germantown, Md., this 8th day of May 1972.

For the Atomic Energy Commission.

W. B. McCool,  
*Secretary of the Commission.*

[FR Doc.72-7344 Filed 5-12-72; 8:51 am]