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 V. Wilson (2)
 O. Parr

JUN 11 1971

Docket No. 50-336

The Millstone Point Company
 ATTN: Mr. Donald C. Switzer
 President
 P. O. Box 270
 Hartford, Connecticut 06101

Gentlemen:

Amendment No. 1 to Construction Permit No. CPPR-76 is enclosed, together with a copy of a related notice which has been forwarded to the Office of the Federal Register for filing and publication. The amendment has been issued pursuant to the Memorandum and Order of the Atomic Safety and Licensing Appeals Board, dated January 22, 1971, a copy of which is enclosed.

Sincerely,

Original Signed by
 Peter A. Morris

Peter A. Morris, Director
 Division of Reactor Licensing

Enclosures:

1. Amend. No. 1 to CPPR-76
2. Federal Register Notice
3. Memorandum and Order, dated 1/22/71

cc: See attached

bcc: H. J. McAlduff, ORO
 E. E. Hall, GMR/H
 J. A. Harris, PI
 R. Leith, OC
 E. B. Tremmel, IP
 J. R. Buchanan, ORNL
 T. W. Laughlin, DTIE
 A. A. Wells, ASLB
 J. Verme, SNM
 D. Nussbaumer, DML
 S. Robinson, SECY
 J. Saltzman, SLR

CRESS OFFICE ▶	AD:PWR <i>VHW</i>	PWR-3 Parr <i>ODP</i>	OGC <i>[Signature]</i>	AD:PWR RCDeYoung <i>[Signature]</i>	DRL <i>W</i>
T-146 SURNAME ▶	VHWilson:mlm	Goller <i>KRG</i>	<i>[Signature]</i>	<i>[Signature]</i>	PAMorris
R-5-6 DATE ▶	5/26/71	5/1/71	5/1/71	5/9/71	5/9/71

JUN 11 1971

cc: Mr. Anthony E. Wallace, President
The Connecticut Light and Power Company
P. O. Box 2010
Hartford, Connecticut 06101

Mr. Joseph R. McCormick, President
The Hartford Electric Light Company
P. O. Box 2370
Hartford, Connecticut 06101

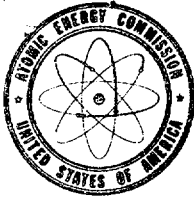
Mr. Robert E. Barrett, Jr., President
Western Massachusetts Electric Company
174 Brush Hill Avenue
West Springfield, Massachusetts 01089

William H. Cuddy, Esquire
Day, Berry & Howard
Counselors at Law
One Constitution Plaza
Hartford, Connecticut 06103

OFFICE ►

SURNAME ►

DATE ►



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

THE CONNECTICUT LIGHT AND POWER COMPANY,
THE HARTFORD ELECTRIC LIGHT COMPANY,
WESTERN MASSACHUSETTS ELECTRIC COMPANY, AND
THE MILLSTONE POINT COMPANY

(Millstone Nuclear Power Station, Unit No. 2)

DOCKET NO. 50-336

CONSTRUCTION PERMIT

Construction Permit No. CPPR-76
Amendment No. 1

Pursuant to a Memorandum and Order of the Atomic Safety and Licensing Appeals Board, dated January 22, 1971, Construction Permit No. CPPR-76 is amended by amending paragraph 2D to read as follows:

"D. The applicants 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 covered by this construction permit. This condition does not apply to (a) radiological effects since such effects are dealt with in other provisions of this construction permit or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act."

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing

Date of Issuance: JUN 11 1971

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-336

THE CONNECTICUT LIGHT AND POWER COMPANY,
THE HARTFORD ELECTRIC LIGHT COMPANY,
WESTERN MASSACHUSETTS ELECTRIC COMPANY, AND
THE MILLSTONE POINT COMPANY

(Millstone Nuclear Power Station, Unit 2)

NOTICE OF AMENDMENT OF CONSTRUCTION PERMIT

Notice is hereby given that, pursuant to the Memorandum and Order of the Atomic Safety and Licensing Appeals Board, dated January 22, 1971, the Director of the Division of Reactor Licensing has issued Amendment No. 1 to Construction Permit No. CPPR-76 amending paragraph 2D to read as follows:

"D. The applicants 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 covered by this construction permit. This condition does not apply to (a) radiological effects since such effects are dealt with in other provisions of this construction permit or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act."

A copy of the Memorandum and Order is on file in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. Copies of

Amendment No. 1 to Construction Permit No. CPPR-76 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U. S. Atomic Energy Commission, Washington, D. C. 20545.

Dated at Bethesda, Maryland, this 11 day of JUN 1971.

FOR THE ATOMIC ENERGY COMMISSION

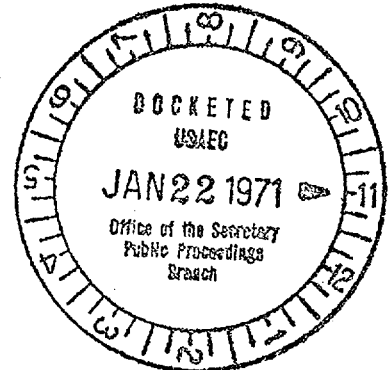
Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD:

Algie A. Wells, Chairman
Dr. John H. Buck
Dr. Lawrence R. Quarles

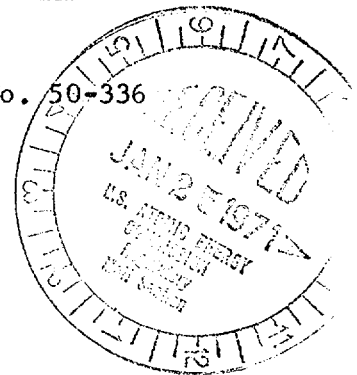


IN THE MATTER OF

THE CONNECTICUT LIGHT AND POWER COMPANY,
THE HARTFORD ELECTRIC LIGHT COMPANY,
WESTERN MASSACHUSETTS ELECTRIC COMPANY,
AND THE MILLSTONE POINT COMPANY

(Millstone Nuclear Power Station, Unit No. 2)

Docket No. 50-336



MEMORANDUM AND ORDER

The Atomic Safety and Licensing Board in this proceeding, by initial decision dated December 11, 1970, has authorized the issuance of a construction permit to the applicants for a pressurized water reactor to be located at a site in Waterford, Connecticut, on the north shore of Long Island Sound and on the east side of Niantic Bay.

Pursuant to § 2.785(a)(1) of its Rules of Practice, 10 CFR Part 2, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and review function which would otherwise be exercised and performed by the Commission in this proceeding.

The AEC regulatory staff has filed an exception to the language of the construction permit condition relating to non-radiological environmental

matters set forth in the initial decision.^{1/} The staff requests that the Appeal Board modify the Licensing Board's decision so as to authorize the incorporation of a condition which substantially follows the phrasing set forth in paragraph 9 of Appendix D to 10 CFR Part 50 as recently adopted by the Commission (35 F.R. 18469, December 4, 1970).^{2/} This phrasing is identical to that in paragraph 10 of the proposed Appendix D published by the Commission in June of 1970, for rule making consideration and interim guidance in licensing proceedings (35 F.R. 8595, June 3, 1970).

In our Memorandum and Order of August 28, 1970, in the Hutchinson Island proceeding,^{3/} we let stand a Licensing Board condition similar to the one in the instant initial decision in view of the fact that the Commission had not at that time completed its rule making consideration of proposed

^{1/} The Licensing Board's condition, found in paragraph 48(f) of the initial decision and paragraph 2 D of Attachment B thereto, is as follows:

"In the construction and operation of the facility the applicant's 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."

^{2/} The staff asks, in this regard, that we incorporate the following condition in the construction permit:

"The applicants 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 covered by this construction permit. This condition does not apply to (a) radiological effects since such effects are dealt with in other provisions of this construction permit or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act."

^{3/} Matter of Florida Power and Light Company (Hutchinson Island Nuclear Power Plant), Docket No. 50-334.

Appendix D and fixed the terms of the subject condition. We stated, however, that we found merit in the argument advanced by the staff as to the advantages of a uniform approach to the language of this condition and added, in regard to future proceedings:

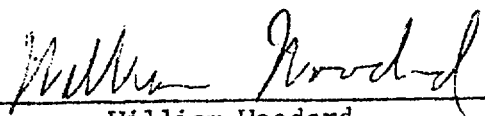
"... the Appeal Board believes it desirable that, pending adoption by the Commission of a revised Appendix D, Licensing Boards follow the phrasing for this condition as set forth in the referenced rule making notice. Ultimately, of course, the Commission will decide in the regulation it adopts what the terms shall be for this condition."

In light of the foregoing, the Appeal Board would have granted the present staff exception even absent the recent rule making amendments to Appendix D. The Commission's rule making action, however, settles the matter and requires, in our view, the phrasing in the condition proposed by the staff. Therefore, we grant the staff's exception and direct that the provisional construction permit be revised accordingly.

Apart from the foregoing exception, the Appeal Board has informally reviewed the initial decision and the record of the proceeding and concluded that formal review of the other portions of the decision is not warranted. Accordingly, in the absence of further review by the Commission on its own motion pursuant to 10 CFR § 2.786, the initial decision, as modified herein, will constitute the final action of the Commission on February 8, 1971.

It is so ORDERED.

By the Atomic Safety and Licensing
Appeal Board


William Woodard
Acting Executive Secretary

Dated: 1-22-71