

DOCKET FILE

AUG 19 1974

Docket No. 50-366

Georgia Power Company
ATTN: Mr. I. S. Mitchell, III
Vice President & Secretary
P. O. Box 4545
Atlanta, Georgia 30302

Gentlemen:

Distribution:

- Docket Files LWR-2- Branch Chiefs
- AEC PDR EP Project Manager
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- S. Lewis, OGC
- C. Davis, OGC
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- V. A. Moore
- R. Vollmer
- A. Braitman
- H. Gearin
- S. Burwell
- S. Kari

The Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-90 which was issued to you for construction of the Edwin I. Hatch Nuclear Plant Unit 2. The amendment has been issued pursuant to an Order, dated July 10, 1974, of the Atomic Safety and Licensing Board, terminating the antitrust proceeding in this matter. The amendment incorporates in CPPR-90 the eight antitrust conditions to which you have agreed and which were enclosed with the Attorney General's letter to the Commission, dated May 1, 1974.

Copies of Amendment No. 1 to CPPR-90 and a related notice, which has been forwarded to the Office of the Federal Register for publication, are enclosed.

Sincerely,

Original signed by
Voss A. Moore

Voss A. Moore, Assistant Director
for Light Water Reactors Group 2
Directorate of Licensing

Enclosures:

1. Amendment No. 1 to CPPR-90
2. Federal Register Notice

cc: Mr. Ruble A. Thomas
Vice President
Southern Services, Inc.
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Birmingham, Alabama 35202

Mr. Harry W. Majors
Southern Services, Inc.
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Birmingham, Alabama 35202

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Room 615-C
270 Washington Street, S. W.
Atlanta, Georgia 30334

CB

OFFICE →	(see next page)					
SURNAME →						
DATE →						

Georgia Power Company

- 2 -

Mr. G. Wyman Lamb, Chairman
Appling County Commissioners
County Courthouse
Baxley, Georgia 31513

Mr. Dave Hopkins
Environmental Protection
Agency
1421 Peachtree Street, N. E.
Atlanta, Georgia 30309

Mrs. Fleets Taylor
Librarian
Appling County Public Library
Parker Street
Baxley, Georgia 31513

bcc: ACRS

OFFICE	L:LWR-2-1	L:LWR-2-1	OGC	L:LWR		
SURNAME	<i>Hearin</i> HGearin/maw	<i>S/Sgt Fur</i> JStolz	<i>JR MCD</i>	<i>VAMBORE</i>		
DATE	8/13/74	8/13/74	8/19/74	8/19/74		

GEORGIA POWER COMPANY

DOCKET NO. 50-366

EDWIN I. HATCH NUCLEAR PLANT UNIT 2

AMENDMENT TO CONSTRUCTION PERMIT

Amendment No. 1
Construction Permit No. CPPR-90

Pursuant to an Order by the Atomic Safety and Licensing Board dated July 10, 1974, terminating the antitrust proceeding in the matter of Georgia Power Company for the Edwin I. Hatch Nuclear Plant Unit 2, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-90 by adding a new paragraph 2.D to read as follows:

D. Antitrust conditions, as follows:

(1) As used herein:

- (a) "Entity" means any financially responsible person, private or public corporation, municipality, county, cooperative, association, joint stock association or business trust, owning, operating or proposing to own or operate equipment or facilities within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) for the generation, transmission or distribution of electricity, provided that, except for municipalities, counties, or rural electric cooperatives, "entity" is restricted to those which are or will be public utilities under the laws of the State of Georgia or under the laws of the United States, and are or will be providing retail electric service under a contract or rate schedule on file with and subject to the regulation of the Public Service Commission of the State of Georgia or any regulatory agency of the United States, and, provided further, that as to municipalities, counties or rural electric cooperatives,

"entity" is restricted to those which provide electricity to the public at retail within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) or to responsible and legally qualified organizations of such municipalities, counties and/or cooperatives in the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) to the extent they may bind their members.

- (b) "Applicant" means Georgia Power Company, any successor, assignee of this license, or assignee of all or substantially all of Georgia Power Company's assets, and any affiliate or subsidiary of Georgia Power Company to the extent it engages in the ownership of any bulk power supply generation or transmission resource in the State of Georgia (but specifically not including (1) flood rights and other land rights acquired in the State of Georgia incidental to hydroelectric generation facilities located in another state and (2) facilities located west of the thread of the stream on that part of the Chattahoochee River serving as the boundary between the States of Georgia and Alabama).
- (2) Applicant recognizes that it is often in the public interest for those engaging in bulk power supply and purchases to interconnect, coordinate for reliability and economy, and engage in bulk power supply transactions in order to increase interconnected system reliability and reduce the costs of electric power. Such arrangements must provide for applicant's costs (including a reasonable return) in connection therewith and allow other participating entities full access to the benefits available from interconnected bulk power supply operations and must provide net benefits to applicant. In entering into such arrangements neither applicant nor any other participant should be required to violate the principles of sound engineering practice or forego a reasonably contemporaneous alternative arrangement with another, developed in good faith in arms length negotiations (but not including arrangements between applicant and its affiliates or subsidiaries which impair entities' rights hereunder more than they would be impaired were such arrangements made in good faith between applicant and a non-affiliate or non-subsidiary) which affords it greater benefits. Any such arrangement must provide for adequate notice and joint planning procedures consistent with sound engineering practice, and must relieve applicant from
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obligations undertaken by it in the event such procedures are not followed by any participating entity.

Applicant recognizes that each entity may acquire some or all of its bulk power supply from sources other than applicant.

In the implementation of the obligations stated in the succeeding paragraphs, applicant and entities shall act in accordance with the foregoing principles, and these principles are conditions to each of applicant's obligations herein undertaken.

- (3) Applicant shall interconnect with any entity which provides or which has undertaken firm contractual obligations to provide, some or all of its bulk power supply from sources other than applicant on terms to be included in an interconnection agreement which shall provide for appropriate allocation of the costs of interconnection facilities; provided, however, that if an entity undertakes to negotiate such a firm contractual obligation, the applicant shall, in good faith, negotiate with such entity concerning any proposed interconnection. Such interconnection agreement shall provide, without undue preference or discrimination, for the following, among other things, insofar as consistent with the operating necessities of applicant's and any participating entity's systems:
- (a) maintenance and coordination of reserves, including, where appropriate, the purchase and sale thereof,
 - (b) emergency support,
 - (c) maintenance support,
 - (d) economy energy exchanges,
 - (e) purchase and sale of firm and non-firm capacity and energy,
 - (f) economic dispatch of power resources within the State of Georgia,

provided, however, that in no event shall such arrangements impose a higher percentage of reserve requirements on the participating entity than that maintained by applicant for similar resources.

- (4) Applicant shall sell full requirements power to any entity. Applicant shall sell partial requirements power to any entity. Such sales shall be made pursuant to rates on file with the Federal Power Commission, or any successor regulatory agency, and subject to reasonable terms and conditions.
- (5) (a) Applicant shall transmit ("transmission service") bulk power over its system to any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate applicant for the use of its system, to the extent that such arrangements can be accommodated from a functional engineering standpoint and to the extent that applicant has surplus line capacity or reasonably available funds to finance new construction for this purpose. To the extent the entity or entities are able, they shall reciprocally provide transmission service to applicant. Transmission service will be provided under this subparagraph for the delivery of power to an entity for its or its members' consumption and retail distribution or for casual resale to another entity for (1) its consumption or (2) its retail distribution. Nothing contained herein shall require the applicant to transmit bulk power so as to have the effect of making the Tennessee Valley Authority ("TVA") or its distributors, directly or indirectly, a source of power supply outside the area determined by the TVA Board of Directors by resolution of May 16, 1966 to be the area for which the TVA or its distributors were the primary source of power supply on July 1, 1957, the date specified in the Revenue Bond Act of 1959, 16 USC 831 n-4.
- (b) Applicant shall transmit over its system from any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate applicant for the use of its system, bulk power which results from any such entity having excess capacity available from self-owned generating resources in the State of Georgia, to the extent such excess necessarily results from economic unit sizing or from failure to forecast load accurately or from such generating resources becoming operational earlier than the planned in-service date, to the extent that such arrangements can be accommodated from a functional engineering standpoint, and to the extent applicant has surplus line capacity available.

- (6) Upon request, applicant shall provide service to any entity purchasing partial requirements service, full requirements service or transmission service from applicant at a delivery voltage appropriate for loads served by such entity, commensurate with applicant's available transmission facilities. Sales of such service shall be made pursuant to rates on file with the Federal Power Commission or any successor regulatory agency, and subject to reasonable terms and conditions.
- (7) Upon reasonable notice applicant shall grant any entity the opportunity to purchase an appropriate share in the ownership of, or, at the option of the entity, to purchase an appropriate share of unit power from, each of the following nuclear generating units at applicant's costs, to the extent the same are constructed and operated: Hatch 2, Vogtle 1, Vogtle 2, Vogtle 3, Vogtle 4, and any other nuclear generating unit constructed by applicant in the State of Georgia which, in the application filed with the USAEC or its successor agency, is scheduled for commercial operation prior to January 1, 1989.

An entity's request for a share must have regard for the economic size of such nuclear unit(s), for the entity's load size, growth and characteristics, and for demands upon applicant's system from other entities and applicant's retail customers, all in accordance with sound engineering practice. Executory agreements to accomplish the foregoing shall contain provisions reasonably specified by applicant requiring the entity to consummate and pay for such purchase by an early date or dates certain. For purposes of this provision, "unit power" shall mean capacity and associated energy from a specified generating unit.

- (8) To effect the foregoing conditions, the following steps shall be taken:
 - (a) Applicant shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate transmission tariff available to any entity;
 - (b) Applicant shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate partial requirements tariff available to any entity; applicant shall have its liability limited to the partial requirements service actually

contracted for and the entity shall be made responsible for the security of the bulk power supply resources acquired by the entity from sources other than the applicant;

- (c) Applicant shall amend the general terms and conditions of its current Federal Power Commission tariff and thereafter maintain in force as needed provisions to enable any entity to receive bulk power at transmission voltage at appropriate rates;
- (d) Applicant shall not have the unilateral right to defeat the intended access by each entity to alternative sources of bulk power supply provided by the conditions to this license; but applicant shall retain the right to seek regulatory approval of changes in its tariffs to the end that it be adequately compensated for services it provides, specifically including, but not limited to, the provisions of Section 205 of the Federal Power Act;
- (e) Applicant shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the conditions of this license;
- (f) Applicant affirms that no consents are or will become necessary from applicant's parent, affiliates or subsidiaries to enable applicant to carry out its obligations hereunder or to enable the entities to enjoy their rights hereunder;
- (g) All provisions of these conditions shall be subject to and implemented in accordance with the laws of the United States and of the State of Georgia, as applicable, and with rules, regulations and orders of agencies of both, as applicable.

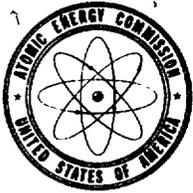
FOR THE ATOMIC ENERGY COMMISSION

Original signed by
Voss A. Moore

Voss A. Moore, Assistant Director
for Light Water Reactors, Group 2
Directorate of Licensing

Date of Issuance: AUG 19 1974

OFFICE ▶	L:GCR <i>HGearin</i>	L:LWR-2-1 <i>5/13 FOR</i>	OGC <i>J Rly CD</i>	L:LWR <i>V Moore</i>		
SURNAME ▶	HGearin/aw	JStolz	<i>C. DAVIS</i>			
DATE ▶	8/13/74	8/13/74	8/19/74	8/19/74		



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

GEORGIA POWER COMPANY

DOCKET NO. 50-366

EDWIN I. HATCH NUCLEAR PLANT UNIT 2

AMENDMENT TO CONSTRUCTION PERMIT

Amendment No. 1
Construction Permit No. CPPR-90

Pursuant to an Order by the Atomic Safety and Licensing Board dated July 10, 1974, terminating the antitrust proceeding in the matter of Georgia Power Company for the Edwin I. Hatch Nuclear Plant Unit 2, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-90 by adding a new paragraph 2.D to read as follows:

D. Antitrust conditions, as follows:

(1) As used herein:

- (a) "Entity" means any financially responsible person, private or public corporation, municipality, county, cooperative, association, joint stock association or business trust, owning, operating or proposing to own or operate equipment or facilities within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) for the generation, transmission or distribution of electricity, provided that, except for municipalities, counties, or rural electric cooperatives, "entity" is restricted to those which are or will be public utilities under the laws of the State of Georgia or under the laws of the United States, and are or will be providing retail electric service under a contract or rate schedule on file with and subject to the regulation of the Public Service Commission of the State of Georgia or any regulatory agency of the United States, and, provided further, that as to municipalities, counties or rural electric cooperatives,

"entity" is restricted to those which provide electricity to the public at retail within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) or to responsible and legally qualified organizations of such municipalities, counties and/or cooperatives in the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) to the extent they may bind their members.

- (b) "Applicant" means Georgia Power Company, any successor, assignee of this license, or assignee of all or substantially all of Georgia Power Company's assets, and any affiliate or subsidiary of Georgia Power Company to the extent it engages in the ownership of any bulk power supply generation or transmission resource in the State of Georgia (but specifically not including (1) flood rights and other land rights acquired in the State of Georgia incidental to hydroelectric generation facilities located in another state and (2) facilities located west of the thread of the stream on that part of the Chattahoochee River serving as the boundary between the States of Georgia and Alabama).
- (2) Applicant recognizes that it is often in the public interest for those engaging in bulk power supply and purchases to interconnect, coordinate for reliability and economy, and engage in bulk power supply transactions in order to increase interconnected system reliability and reduce the costs of electric power. Such arrangements must provide for applicant's costs (including a reasonable return) in connection therewith and allow other participating entities full access to the benefits available from interconnected bulk power supply operations and must provide net benefits to applicant. In entering into such arrangements neither applicant nor any other participant should be required to violate the principles of sound engineering practice or forego a reasonably contemporaneous alternative arrangement with another, developed in good faith in arms length negotiations (but not including arrangements between applicant and its affiliates or subsidiaries which impair entities' rights hereunder more than they would be impaired were such arrangements made in good faith between applicant and a non-affiliate or non-subsidiary) which affords it greater benefits. Any such arrangement must provide for adequate notice and joint planning procedures consistent with sound engineering practice, and must relieve applicant from

obligations undertaken by it in the event such procedures are not followed by any participating entity.

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 - (b) emergency support,
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- (7) Upon reasonable notice applicant shall grant any entity the opportunity to purchase an appropriate share in the ownership of, or, at the option of the entity, to purchase an appropriate share of unit power from, each of the following nuclear generating units at applicant's costs, to the extent the same are constructed and operated: Hatch 2, Vogtle 1, Vogtle 2, Vogtle 3, Vogtle 4, and any other nuclear generating unit constructed by applicant in the State of Georgia which, in the application filed with the USAEC or its successor agency, is scheduled for commercial operation prior to January 1, 1989.

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 - (b) Applicant shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate partial requirements tariff available to any entity; applicant shall have its liability limited to the partial requirements service actually

contracted for and the entity shall be made responsible for the security of the bulk power supply resources acquired by the entity from sources other than the applicant;

- (c) Applicant shall amend the general terms and conditions of its current Federal Power Commission tariff and thereafter maintain in force as needed provisions to enable any entity to receive bulk power at transmission voltage at appropriate rates;
- (d) Applicant shall not have the unilateral right to defeat the intended access by each entity to alternative sources of bulk power supply provided by the conditions to this license; but applicant shall retain the right to seek regulatory approval of changes in its tariffs to the end that it be adequately compensated for services it provides, specifically including, but not limited to, the provisions of Section 205 of the Federal Power Act;
- (e) Applicant shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the conditions of this license;
- (f) Applicant affirms that no consents are or will become necessary from applicant's parent, affiliates or subsidiaries to enable applicant to carry out its obligations hereunder or to enable the entities to enjoy their rights hereunder;
- (g) All provisions of these conditions shall be subject to and implemented in accordance with the laws of the United States and of the State of Georgia, as applicable, and with rules, regulations and orders of agencies of both, as applicable.

FOR THE ATOMIC ENERGY COMMISSION


Voss A. Moore, Assistant Director
for Light Water Reactors, Group 2
Directorate of Licensing

Date of Issuance: **AUG 19 1974**

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-366A

GEORGIA POWER COMPANY
(Edwin I. Hatch Nuclear Plant Unit 2)

NOTICE OF ISSUANCE OF AMENDMENT TO CONSTRUCTION PERMIT

On August 2, 1972, the Attorney General, pursuant to Section 105c of the Atomic Energy Act, as amended, advised the Atomic Energy Commission that an antitrust hearing concerning the activities of the Georgia Power Company would be required in connection with the Company's application for a construction permit for the Edwin I. Hatch Nuclear Plant Unit 2. The notice of availability of the Attorney General's advice was published in the FEDERAL REGISTER on August 11, 1972 (37 F.R. 16218). A Notice of Hearing for an antitrust proceeding dated November 29, 1972, was published in the FEDERAL REGISTER on December 5, 1972 (37 F.R. 25871).

Construction Permit No. CPPR-90 was issued to Georgia Power Company for the Edwin I. Hatch Nuclear Plant Unit 2 on December 27, 1972, in accordance with the Initial Decision of the Atomic Safety and Licensing Board dated December 22, 1972. The Construction Permit contained a provision that, pursuant to Section 105c(8) of the Atomic Energy Act of 1954, as amended, the permit was issued "without prejudice to any subsequent licensing action, including the imposition of appropriate conditions, which may be taken by the Commission as a result of the outcome of this antitrust proceeding".

On May 1, 1974, the Attorney General advised the Atomic Energy Commission that an antitrust hearing is no longer required in view of Georgia Power Company's agreement to have the antitrust conditions enclosed with the Attorney General's letter of May 1, 1974, incorporated in Construction Permit No. CPPR-90. Based upon the agreement reached by all parties in the antitrust proceeding, a motion was filed by all parties, requesting the Atomic Safety and Licensing Board to recognize the withdrawal of all motions to intervene and to terminate the proceeding. The Board granted said motion on July 10, 1974, thus terminating the proceeding.

Notice is hereby given that, pursuant to the Order by the Atomic Safety and Licensing Board dated July 10, 1974, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-90. This amendment incorporates the eight antitrust conditions enclosed with the Attorney General's letter dated May 1, 1974, and published in the FEDERAL REGISTER on May 16, 1974 (39 F.R. 17463).

The Commission has found that the provisions of the amendment comply with the requirements of the Act, and the Commission's regulations published in 10 CFR Chapter I and has concluded that issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. This amendment does not involve a significant hazards consideration.

Copies of the amendment, the Attorney General's letter of May 1, 1974, and the Atomic Safety and Licensing Board's Order dated

July 10, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. Single copies of the amendment may be obtained upon request addressed to the U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing - Regulation.

Dated at Bethesda, Maryland, this 19th day of August 1974.

FOR THE ATOMIC ENERGY COMMISSION


John F. Stolz, Chief
Light Water Reactors Project Branch 2-1
Directorate of Licensing

Concurrence for Notice of Issuance of Amendment No. 1 to CPPR-90

OFFICE ▶	L:GCR	L:LWR-2-1	OGC	L:LWR		
SURNAME ▶	<i>Hearin</i> HGearin/aw	<i>S1513 P.O. 2</i> JStolz	<i>CR 04 92</i> C. DAVIS	<i>[Signature]</i> Vampore		
DATE ▶	8/13/74	8/13/74	8/19/74	8/19/74		