

JAN 12 1974

Mrs. Elizabeth S. Bowers
Atomic Safety and Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. William E. Martin
Senior Ecologist
Battelle Memorial Institute
Columbus, Ohio 43201

Mr. Glenn O. Bright
Atomic Safety and Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

In the Matter of Pacific Gas and Electric Company
(Diablo Canyon Nuclear Power Plant, Unit No. 2)
Docket No. 50-323

Members of the Board:

As requested by the Board at the prehearing conference held in the captioned proceeding on January 3, 1974 (Tr. 1214-1215), enclosed please find a copy of a letter, dated June 18, 1973, from Alan G. Kirk, II, Acting Assistant Administrator for Enforcement and General Counsel of the United States Environmental Protection Agency, to Howard K. Shapar, Esq., Assistant General Counsel, Licensing and Regulation of the U.S. Atomic Energy Commission, with respect to the effectiveness of water quality certifications issued pursuant to Section 21(b) of the Federal Water Pollution Control Act prior to the 1972 amendments.

The staff requests that said letter be received in evidence as Staff Exhibit No. 5. It is represented that counsel for the regulatory staff has contacted counsel for the applicant and for the California Public Utilities Commission, as well as counsel for the intervenors, Luigi Marre Land and Cattle Company, and Mr. Frederick Elssler, on behalf of Scenic Shoreline

HEARING

SECRET

[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph document, possibly a report or a letter, with several lines of text per paragraph. The content is not discernible.]

Preservation Conference, Inc., who have no objection to receipt of this document into evidence.

Sincerely,

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Enclosure:

Ltr fm Mr. Kirk to Mr. Shapar, 06/18/73

cc w/enclosure:

- Phillip A. Crano, Esq.
- Andrew J. Skaff, Esq.
- Frederick Eissler, Esq.
- Charles Ogle, Esq.
- Atomic Safety and Licensing
Appeal Board
- Atomic Safety and Licensing
Board Panel
- Mr. Frank W. Karas

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 18 1973

OFFICE OF
ENFORCEMENT AND GENERAL COUNSEL

Howard K. Shepar, Esquire
Assistant General Counsel
Licensing and Regulation
U. S. Atomic Energy Commission
Washington, D. C. 20545

Re: Effect of Water Quality
Certifications under Section 21(b)
of Federal Water Pollution Control Act
Prior to 1972 Amendments

Dear Howard:

I have your letter of June 7, 1973, inquiring as to my opinion on the question of the continuing effect of water quality certifications under section 21(b) of the Federal Water Pollution Control Act prior to the 1972 Amendments.

In my opinion, section 4 of P.L. 92-500 operates to continue section 21(b) certifications in full force and effect for purposes of federal permit issuance. Thus a certification under section 21(b) that was obtained prior to October 18, 1972, is sufficient to support issuance of a federal permit after that date (provided, of course, that the certification was legally valid when issued).

As you know, section 4 provides that "(a)ll * * * certifications * * * duly issued * * * pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any * * *, requirements, * * * under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act." The reference to "certifications" in section 4 clearly covers section 21(b) certifications, and such certifications clearly pertain to the requirement of the old Act that certain federal licenses and permits be preceded by a State certification as to water quality requirements. Thus section 21(b) certifications continue to be valid as a basis for federal permit issuance.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. It describes how different types of information are gathered and how they are processed to identify trends and anomalies. This section also covers the use of statistical tools to interpret the results.

3. The third part of the document discusses the challenges faced in the current environment. It highlights the need for flexibility and innovation in response to changing market conditions and regulatory requirements.

4. The fourth part of the document provides a summary of the key findings and recommendations. It concludes by emphasizing the importance of continuous improvement and the role of technology in enhancing operational efficiency.

5. The fifth part of the document discusses the future outlook and the potential for growth. It identifies key areas for investment and the strategies needed to achieve long-term success in a competitive market.

6. The sixth part of the document provides a detailed analysis of the current market conditions. It examines the impact of various factors on the industry and offers insights into the opportunities and risks ahead.

7. The seventh part of the document discusses the role of leadership in driving organizational success. It emphasizes the importance of clear communication, strategic vision, and the ability to inspire and motivate the team.

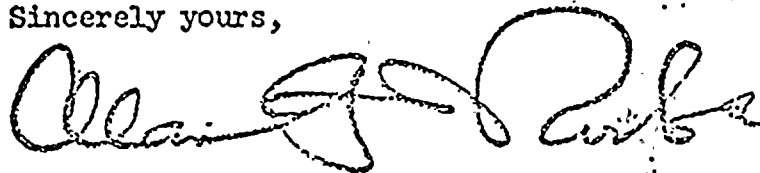
8. The eighth part of the document provides a comprehensive overview of the company's performance over the past year. It includes a detailed breakdown of revenue, expenses, and profit, along with a comparison to industry benchmarks.

9. The ninth part of the document discusses the company's commitment to social responsibility and environmental sustainability. It outlines the various initiatives and programs in place to reduce the company's carbon footprint and support the community.

10. The tenth part of the document provides a final summary and conclusions. It reiterates the key points discussed throughout the report and offers a final perspective on the company's future prospects.

To be sure, section 401 contains some requirements that differ from section 21(b); but one of the functions of a savings provision such as section 4 is to continue in full force and effect actions taken under prior laws containing different legal requirements.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Alan G. Kirk II". The signature is written in dark ink and is positioned to the right of the typed name.

Alan G. Kirk II
Acting Assistant Administrator for
Enforcement and General Counsel

