File

FEB 9 1971

Docket No. 50-275

Pacific Gas and Electric Company
245 Market Street
San Francisco, California 94106

Attention: Mr. Richard H. Peterson
Senior Vice President and
General Counsel

Gentlemen:

On July 13, 1970, the Scenic Shoreline Preservation Conference, Inc., (petitioner) filed with the Commission, companion to a petition for rule making, a request that the AEC take certain actions in regard to the Diablo Canyon Unit 1 Nuclear Power Plant now under construction by your company. The petitioner requested that the AEC issue an order to Pacific Gas and Electric Company to show cause why the construction permit issued by the Commission on April 23, 1968, should not be suspended pending a study of the environmental impact of the Diablo Canyon Unit 1 facility; that the AEC immediately require submission of an "environmental statement" with respect to the facility; and that a complete study be initiated of the facility's environmental impact.

On September 15, 1970, the Commission published in the Federal Register (35 F.R. 14477) a "Notice of Filing and Denial of Petition for Rule Making". In that issuance, the Commission, in ruling on the July 13 petition, stated that the requests relating specifically to the Diablo Canyon Unit 1 Nuclear Power Plant had been referred to the Director of Regulation and that it was expected he would take action on the requests following completion of the rule making proceeding then under way, the outcome of which would determine the action to be taken. The rule making proceeding in question concerned proposed revisions to the Statement of General Policy (Appendix D to 10 CFR Part 50) which sets forth the manner in which the Commission will exercise its responsibilities under the National Environmental Policy Act (NEPA).

Subsequently, on January 6, 1971, the petitioner again requested that your company file an "environmental report and detailed statement" with respect to the Diablo Canyon Unit 1 facility.

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As you may know, on December 4, 1970, the Commission adopted (effective January 3, 1971) a revised Statement of General Policy for implementation of NEPA in its licensing procedings (35 F.R. 18469). In regard to facilities for which construction permits have previously been issued, the revised Appendix D to 10 CFR Part 50 imposes three basic additional requirements:

1. Holders of construction permits must, as soon as practicable, file an Environmental Report with the AEC discussing the environmental considerations enumerated in paragraph 1 of the revised regulation.

2. The Commission will incorporate in all construction permits, whenever issued, a condition 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. The foregoing condition does not apply to (a) radiological effects, which are dealt with in other provisions of the construction permit or (b) matters of water quality covered by Section 21(b) of the Federal Water Pollution Control Act.

3. With respect to the water quality matters referenced above, the Commission will incorporate in all construction permits, whenever issued, a further condition to the effect that the licensee shall comply with all applicable requirements of Section 21(b) of the Federal Water Pollution Control Act.

As regards the new requirement for an Environmental Report, we would appreciate receipt from your company of an Environmental Report dealing with the Diablo Canyon Unit 1 Nuclear Power Plant as soon as practicable.

In respect to the second of the new requirements referenced above, we would appreciate receipt from your company of information, with such appropriate documenting material as you have available, advising as to: the steps which have been taken by Pacific Gas and Electric to comply with standards and requirements for the protection of the environment imposed under Federal and State law which are applicable to the Diablo

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Canyon Unit 1 facility; those Federal and State approvals which have already been received by the Company; and the status of matters in regard to approvals yet to be obtained.

We would also appreciate receipt from your company of information on its status vis a vis compliance with the requirements of Section 21(b) of the Federal Water Pollution Control Act.

Your cooperation in providing the requested information at the earliest practicable date will be appreciated.

Sincerely,

(signed) Harold L. Price

Harold L. Price
Director of Regulation

cc: Dr. John M. Heslep, Chief
Environmental Health and Consumer Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

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