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Environmental Projects Personnel

ADEP Project Instruction #60

401 CERTIFICATION CONDITIONS

The new Federal Water Pollution Control Act (Section 401) requires that applicants receive from the State or EPA a certification that the nuclear power plant can be operated within the requirements of the State water quality standards. This is called a 401 Certification. We require that this Certification be available as a condition for issuance of a construction permit to the nuclear utility. We have recently informed all utilities of the requirement for this 401 Certification. In at least one case, FitzPatrick, the State issued a 401 Certification with a number of conditions attached. As it turns out, these conditions are generally consistent with the requirements that we will place on the operating license in the technical specifications and thus we will be able to include these State-imposed conditions in our technical specifications with no problem. In some (probably most) cases, however, it is likely that the State issued 401 Certification would, in the absence of close cooperation between AEC and the State, be inconsistent with some of our environmental or safety requirements. Under such circumstances, of course, we would have great difficulty in incorporating the State requirements, as required by the Federal Water Pollution Control Act, as a part of our operating licenses.

I request that, at the earliest possible time, each Project Manager contact the agency in the State that has authority to issue 401 Certifications, establish rapport with appropriate persons in that agency and work closely with them during their preparation of the 401 Certification to be sure that any requirements placed in this Certification will be consistent with power, safety and environmental requirements.

fi. Daniel R. Muller, Assistant Director
for Environmental Projects
Directorate of Licensing