



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

PROD. & GEN. INFO. FORM

DOCKET NUMBER
PETITION RULE PRM-IV

In the Matter of

SCENIC SHORELINE PRESERVATION CONFERENCE, INC.

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Docket No.

PETITION WITH RESPECT TO DIABLO
NUCLEAR POWER PLANTS, UNITS 1 AND 2

Scenic Shoreline Preservation Conference, Inc, hereby requests that the Atomic Energy Commission (1) immediately order Pacific Gas and Electric Company to prepare and submit with respect to Diablo Nuclear Power Plants, Units 1 and 2, the environmental statements required by the National Environmental Policy Act (Section 102 (c)) (NEPA) and by the regulations of the Commission; (2) immediately begin its own environmental studies required by NEPA with respect to Diablo Nuclear Power Plants, Units 1 and 2, to determine if, in light of these environmental studies, modifications in the location, design, method of construction or operation, or any other aspect of the plants are required; (3) issue to Pacific, pursuant to 10 CFR, Part 2, 2.202, an order to show cause why the construction permit issued for Diablo Unit 1 should not be suspended pending investigation of these environmental factors; (4) delay consideration of Pacific's application for a construction permit for Diablo Unit 2, ^{including} investigation of these environmental factors; (5) promulgate the attached rules and regulations for applying NEPA to all nuclear power plants for which construction permits (or provisional construction permits) have been issued and which

have not as yet received operating license. A copy of the
Proposed rules are attached.

Respectfully submitted,

Frederick Cassler

Frederick Cassler

President

Scenic Shoreline Preservation
Conference, Inc.

Dated at Santa Barbara, California
July 13, 1970

Amend 20.109 (a) to read as follows:

(a) The Commission shall, in accordance with the procedures specific in this chapter, require the backfitting of a facility if it finds that such action will provide substantial, additional protection which is required for the public health and safety of the common defense and security and shall require backfitting of a facility if it finds that such action will provide substantial additional protection of the environment. As used in this section, "backfitting" of a production or utilization facility means the addition, elimination or modification of structures, systems or components of the facility after the construction permit has been issued.

Appendix M - Implementation of the National Environmental Policy Act of 1969 (Public Law 91 - 190) for Plants Which Have Received Construction Permits (or Provisional Construction Permits) without Prior Consideration of Environmental Factors by the Commission

1. Upon the request of any interested party the Commission shall immediately issue to any holder of a construction permit (or provisional construction permit) who has not validly received an operating permit, an order to show cause (returnable in 30 days) why the permit should not be suspended pending a full investigation of the environmental impact of the proposed facility or proposed modification of a facility.
2. The Commission shall suspend the construction permit where it finds that full and complete examination of the environmental impact of the facility has not been conducted in accordance with the National Environmental Policy Act.
3. With respect to all facilities for which permits have been issued and for which operating licences have not been validly issued, the Commission shall require the applicant to submit as soon as possible the material required by Paragraph 1 of Appendix D without awaiting application for an operating permit.
4. The requirements of Paragraphs 3 and 4 of Appendix D shall be applied with respect to the report required under the preceding paragraph.
5. The Commission shall, with respect to any facility referred to under Paragraphs 1 or 3 of this Appendix, conduct the environmental studies and prepare the environmental reports required by the National Environmental Policy Act and by the

Interim Guideline published by the Council of Environmental Quality on May 12, 1970. The Commission shall expedite the preparation of the studies and reports herein required.

6. Whether or not the Commission has suspended the construction permit of the facility, it shall require modification of the construction permit and of the facility, or if necessary revocation of the permit, in order to protect the environment to the greatest extent practicable as indicated by the environmental studies with respect to the facility.

7. These regulations shall be interpreted in light of the Congressional purpose stated in the National Environmental Policy Act which requires that full consideration be given to environmental factors at the earliest possible time in order to permit maximum implementation of environmentally desirable alternatives.

that such action will provide additional protection of the environment.

The petitioners also request that the Commission add a new Appendix F to Part 50 to implement the National Environmental Policy Act of 1969 with respect to nuclear power plants for which construction permits have been issued without prior consideration of environmental factors by the Commission, providing as follows:

1. Upon the request of any interested party the Commission shall immediately issue to any holder of a construction permit who has not received a facility operating license, an order to show cause why the permit should not be suspended pending a full investigation of the environmental impact of the proposed facility or facility modification.

2. The Commission shall suspend the construction permit where it finds that full and complete examination of the environmental impact of the facility has not been conducted in accordance with the National Environmental Policy Act.

3. With respect to all facilities for which construction permits have been issued, but for which operating licenses have not been issued, the Commission shall require the applicant to submit as soon as possible the environmental reports required by paragraph 1 of Appendix D of Part 50 without awaiting application for an operating license, and shall apply the requirements of paragraphs 3 and 4 of Appendix D to such reports.

4. The Commission shall, with respect to such facilities, conduct the environmental studies and prepare the environmental reports required by the National Environmental Policy Act and by the Interim Guidelines published by the Council on Environmental Quality on May 12, 1970, and expedite the preparation of the studies and reports required.

5. Whether or not the Commission has suspended the construction permit of the facility, it shall require modification of the construction permit and of the facility, or if necessary revocation of the permit, in order to protect the environment to the greatest extent practicable as indicated by the environmental studies with respect to the facility.

6. The regulations shall be interpreted in light of the Congressional purpose stated in the National Environmental Policy Act which requires that full consideration be given to environmental factors at the earliest possible time in order to permit maximum implementation of environmentally desirable alternatives.

The petition also requests the Commission to order Baltimore Gas and Electric Co. to prepare and submit with respect to the Calvert Cliffs Nuclear Power Plant, the environmental statement required by the National Environmental Policy Act (NEPA) and by Commission regulations, to begin immediately the environmental studies required by NEPA with respect to the Calvert Cliffs Plant to determine if any modifications are required and to issue an order to show cause to Baltimore Gas and Electric Co., pursuant to § 2.202 of 10 CFR Part 2, why the con-

struction permit should not be suspended pending the environmental factors.

The petition for rule making is a substantial question for the Commission's consideration under the National Environmental Policy Act. The Commission is conducting a rule making proceeding initiated by a petition for rule making published in the Federal Register on June 2, 1970 (35 FR 3511). The revision of Appendix D of the statement of General Principles indicates how the Commission views its responsibilities with respect to petitions and comments on subject petition for rule making germane to the subject of rule making procedure. As the petitioners supporting memorandum indicates that to the extent the rule making amendment of Appendix D should be treated as a comment.

In light of the foregoing, the Commission deems it unnecessary to further, separate, rule making proceeding in respect to matter of amendment of Appendix D. The Commission will consider carefully the petition for rule making in next rule making proceeding under Appendix D of Part 50. A copy of the petition has been placed in the file relating to that proceeding and is available for inspection in the Commission Document Room at 1717 H Street, Washington, D.C.

Accordingly, the petition for rule making filed by the Calvert Cliffs Coordinating Committee, Inc., Wildlife Federation, and The Sierra Club, is denied. The other requests of the petitioners, relating specifically to the Calvert Cliffs Nuclear Power Plant, have been referred to the Director of Regulation. It is the action on these requests following completion of the rule making proceeding which is presently under consideration of which will determine action to be taken.

Dated at Germantown, Md., this day of July 1970.

For the Atomic Energy Commission

W. B. McCord
Secretary

[P.R. Doc. 70-10177; Filed, Aug. 3, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

CALVERT CLIFFS' COORDINATING COMMITTEE, INC., ET AL.

Filing and Denial of Petition for Rule Making in Light of Pending Rule Making Proceeding

Notice is hereby given that the Calvert Cliffs' Coordinating Committee, Inc., National Wildlife Federation, and The Sierra Club, by letter dated June 29, 1970, have filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioners request that the Commission, among other things, amend § 50.109(a) to require "backfitting" of a production or utilization facility (i.e., the addition, elimination, or modification of structures, systems, or components of the facility after the construction permit has been issued) if the Commission finds