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Files

ENVIRONMENTAL FILE (NEPA)

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JAN 31 1972

Chairman Schlesinger
Commissioner Ramey
Commissioner Johnson
Commissioner Larson
Commissioner Doub

STATUS AND IMPENDING ACTION ON APPLICATIONS REQUIRING SHOW CAUSE ACTION

The "show cause" determinations issued in November 1971 have resulted in responses being received from licensees and intervenors on 9 of the determinations.

The regulatory staff has reviewed the technical information received from licensees in the time available and conclusions for action by the Commission have been developed. Legal counsel for the regulatory staff has reviewed those responses requesting hearings or intervention and has prepared replies for the Director of Regulation or formal filings for consideration by the Commission. The status and the impending action on each of the show cause cases for which responses were received are summarized below:

Diablo Canyon 1 & 2

Scenic Shorelines, a conservation organization, has submitted a request for a hearing regarding certain construction activities at the Diablo Canyon Plant pending completion of the NEPA review. General issues that have been raised include: (1) the availability of alternate sources of power (geothermal), (2) the potential damage to the environment of construction of transmission lines, (3) that continued construction is foreclosing other cooling alternatives and (4) seismic design. In a formal answer to this request filed with the Commission, the regulatory staff has proposed that a hearing be held on Items (1), (2) and (3) but that no hearing be held on Item (4).

In our Determination and Order To Show Cause of November 29, 1971, we concluded that clearing of the right-of-way and constructing the second Diablo-Midway transmission line should be suspended. Pacific Gas and Electric Company has not responded to our Order To Show Cause.

Yellow filed in Legal 4-1, pt. 50

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Commissioners

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Accordingly, we have prepared an order to suspend clearing of the right-of-way and constructing the second Diablo-Midway transmission line. (See Enclosure A).

Hutchinson Island

Florida Power and Light Company's statement submitted in response to our show cause determination reads as follows: "It is requested that no hearing be scheduled in this matter until further motion by the licensee at such time as it may become clear that the NEPA review will be completed in time to prevent delays in work on the transmission lines."

The schedule for completing the NEPA review is somewhat uncertain, but it is estimated that it will not be complete until September or October, 1972.

We have prepared an order to suspend construction of the transmission lines. (See Enclosure B).

North Anna 1 & 2

The response and statement containing additional technical information received from Virginia Electric Power Company did not request a public hearing. These documents were not filed under oath or affirmation.

The DRL Project Leader, in reviewing the technical information submitted with the letter has noted that right-of-way clearing for one of the transmission lines (North Anna to Ladysmith) had, in fact, begun before November 29, 1971 and is now 53% complete. We had no previous knowledge that this work was underway. VEPCO has voluntarily suspended further clearing for this line only until the Commission has reviewed their response of December 27, 1971.

On all other transmission lines, VEPCO has agreed to restrict their activities to planning and right-of-way acquisition until the end of the 8 month NEPA period.

Based on our preliminary review of the information submitted, we find no bases for altering our original determination and have prepared an order to suspend construction of the transmission lines. (See Enclosure C).

Three Mile Island 1 & 2

A reply and statement containing additional information and data was submitted by Metropolitan Edison Company on December 28, 1971 in response to our show cause determination. No request for a hearing was made; however, the company requested the Commission withdraw its determination to suspend construction of off-site transmission lines.

In the cover letter transmitting their statement, the applicant stated that "Both the answer and statement provide information which we (Met Ed) had not previously brought to your (AEC) attention and which corrects factual misunderstandings which we (Met Ed) had allowed to exist." We now find that clearing of the right-of-way for the 67.3 mile Bechtelsville transmission lines was completed on November 26, 1971. Tower erection has been started, but is not complete. Clearing of the 7.16 Juniata line has not yet been started, but is scheduled to begin March 31, 1972.

Work on these transmission lines is proceeding in accordance with the guidelines issued by the Departments of Interior and Agriculture entitled "Environmental Criteria for Electric Transmission Systems."

The impact on the environment of constructing the Bechtelsville transmission line has already occurred. However, we find no basis in the additional information submitted, for altering our determination regarding construction of the Juniata line. Therefore, we have prepared an order suspending construction of this transmission line. (See Enclosure D).

Trojan

A request for intervention was received from a party to the construction permit hearing. In a formal answer to this request filed with the Commission, the regulatory staff has taken the position that the request does not state a sufficient basis for holding the hearing. However, the staff indicated in its answer that it would have no objection to allowing the petitioners additional time to clarify the basis for their request.

Indian Point 3

A request for a hearing was received from Mary Hays Weik. In a formal answer to this request, filed with the Commission, the regulatory staff has taken the position that the request should be rejected on the ground that it does not state a sufficient basis for a hearing.

Monticello

A request was made by the Attorney General for the State of Minnesota for an extension of time for requesting a public hearing. In a formal answer to this request filed with the Commission, the regulatory staff has indicated that it would have no objection to an order allowing Monticello an additional thirty days within which to file a request for a hearing.

In addition, an environmental organization, MECCA, has filed a request for a public hearing. The applicant and the regulatory staff have filed letters with the Secretary of the Commission requesting that the latest date for the filing of answers to the MECCA request be extended until 15 days after the latest date for the filing of the request by the State of Minnesota.

We have found that a potential exists for three public hearings on Monticello. They include: (1) a hearing on our determination not to suspend operations, (2) a hearing on issues covered by Appendix D to CFR Part 50, and (3) a hearing on issuance of a full-term license. We had hoped that a single hearing could be designed to achieve the objectives of the three potential hearings mentioned above. Efforts to develop the basis for agreement among the interested parties for the single hearing were unsuccessful because MECCA would not agree to withdraw or defer its request for a hearing on the suspension matter.

Nonetheless, the staff has agreed to use its best efforts to complete the Monticello draft environmental statement by the first week of May 1972 and to provide an opportunity for a hearing at that time. The State of Minnesota has indicated that it will defer any request for a hearing on the suspension matter in view of the accelerated schedule to which the staff has agreed.

Davis-Besse

The Coalition for Safe Nuclear Power, a party to the construction permit hearing, requested by their letter to the Director of Regulation dated December 8, 1971, that the Determination and Findings in this case be submitted to the United States Court of Appeals, Washington, D. C. No request for a hearing was made.

OGC advised the Coalition by letter dated January 3, 1972 that they could request an extension of time for filing a request for a hearing provided good cause could be shown.

Brunswick 1 & 2

Carolina Power and Light Company filed an answer to the Order To Show Cause and a statement containing supplemental information on December 16, 1971. The Company requested that the Director of Regulation withdraw or modify his determination to suspend certain construction activities at the Brunswick Plant and issue instead a determination not to suspend. They further stated that in the event their request was denied, CP&L demands a hearing to determine whether construction activities involving the off-site transmission lines and off-site portions of the discharge canal should be suspended pending completion of those portions of the NEPA review.

We have concluded that the Company's answer to our Order To Show Cause does not provide a basis for altering our November 18, 1971 Determination to suspend construction activities on the off-site portions of the discharge canal and on the transmission lines. We have prepared an Order designating the time and place for the hearing demanded by the Company. (See Enclosure E).

(signed) L. M. Muntzing

L. Manning Muntzing
Director of Regulation

Enclosures:

- A. Order - Diablo Canyon
- B. Order - Hutchinson Island
- C. Order - North Anna
- D. Order - Three Mile Island
- E. Order - Brunswick

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(Retyped per OGC, 1/27/72)

T-N11,018	OFFICE ▶	DRL: BWR-1	DRL	DRL	OGC	DR
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	DATE ▶	1/28/72	1/28/72	1/28/72	1/28/72	1/31/72