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CONTROL NO: 2615

FILE ENVIRO

FROM: Conner & Knotts Washington, D. C. 20006 Troy B. Conner, Jr.	DATE OF DOC: 4-17-73	DATE REC'D 4-20-73	LTR x	MEMO	RPT	OTHER
TO: A. Giambusso	ORIG 1 signed	CC	OTHER	SENT AEC PDR X SENT LOCAL PDR y		
CLASS: (U) PROP INFO	INPUT	NO CYS REC'D 1	DOCKET NO: 50-269 (50-270) 50-287			

DESCRIPTION:
Ltr advising info requested by our ltr of 3-15-73 has been submitted and first page of text has been complied with all requirements... Request a finding that no significant new info revelant to enviro consideration is present and no further action is warranted...

ENCLOSURES:

ENVIRON, FILE (NEPA)

ACKNOWLEDGED DO NOT REMOVE

PLANT NAMES: Oconee, Units 1-2-3

FOR ACTION/INFORMATION 4-20-73 fod

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1-PDR-SAN/LA/NY	1- GERALD LELLOUCHE	BROOKHAVEN NAT. LAB	1-AGMED(WALTER KOESTER, RM C-427, CT)	1- RD...MULLER...F-309GT

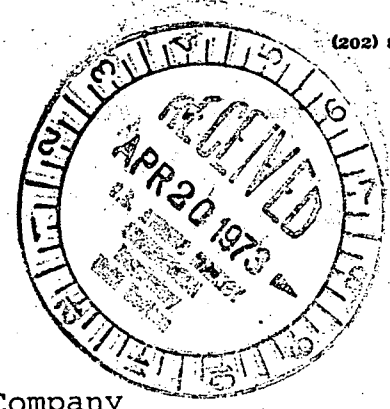


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Regulatory File Cy.

April 17, 1973



(202) 833-3500

Mr. Angelo Giambusso
Deputy Director of Reactor Projects
U. S. Atomic Energy Commission
Washington, D. C. 20545

In the Matter of Duke Power Company
(Oconee Nuclear Station, Units 1, 2 & 3)
Docket Nos. 50-269, 50-270 & 50-287

Dear Mr. Giambusso:

Under separate cover we have provided the information requested by your staff in the letter dated March 15, 1973, for updating the Final Environmental Statement for Oconee Units 1, 2 and 3. As stated in that letter, we believe that this data demonstrates that no new significant information relevant to the environmental considerations, set forth in Appendix D, 10 CFR Part 50, is presented. We, therefore, believe that in accordance with Section C.3 of Appendix D, there should be no duplication of the formal environment review already conducted on these plants.

Nevertheless, in discussions with the staff, including a representative of the Office of the General Counsel, we have been advised that its tentative view is that the Addendum to the Final Environmental Statement must be circulated for comment to Federal and State agencies and to the public. The basis for this position appears to be that the original Draft Environmental Statement did not reflect on its title page or in the Summary that it applied to all three units, and because the transmittal letter to other Federal agencies from the AEC staff only requested comments on Unit 1.

However, the Summary on the first page of the text plainly reflects the purpose of the document as follows: "...this Statement considers the environmental impact of the simultaneous operation of all three units."

The content of the Draft Environmental Statement made clear that it covered the environmental impact of all three units. In our view the comments received on the Draft Environmental Statement clearly applied to all three units.

The Final Environmental Statement was corrected to show that it covered all three units. Specifically, it is noted that the following language appeared in the summary and conclusions: "...this Statement considers the environmental impact of the simultaneous operation of all three units," and "The conclusion is that the benefits to be derived from the operation of the Oconee Nuclear Station outweigh the adverse effects identified in the statement."

Because of the timing of Oconee and the various policy changes by the Commission there have been the following numerous notices thus far issued by the AEC to the public offering ample opportunity for members of the public to comment or to request a hearing:

November 29, 1966	Application for Construction Permit
July 24, 1967	Notice of Hearing on Application for Construction Permits
November 19, 1971	AEC decision not to suspend construction of Units 2 and 3 in accordance with provisions of Section E, Appendix D, 10 CFR 50
December 13, 1971	Draft Statement issued by AEC requesting comment by Federal, State, local governmental agencies, members of the public and the Council on Environmental Quality
January, 1971	AEC notice of intent of issuance of operating license for Unit 1
February 11, 1972	Supplemental Environmental Notice of Intent to issue operating license for Unit 1
April 1, 1972	Final Environmental Statement relating to Units 1, 2 and 3
August 10, 1972	Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing on Units 2 and 3

As you know, the Duke Power Company's Catawba and McGuire units have been the object of intervention by the public, which has resulted in substantial delays in the latter proceeding. While no request for intervention was made for Oconee as a result of the AEC notice of proposed issuance dated February 11, 1972 and August 10, 1972, we believe that volunteering further opportunities for public participation by the AEC may very well

create unnecessary controversy on Oconee resulting in increased cost to the consumer. While we have no doubt as to the ultimate result of any hearing, delays in bringing much needed power to our service area could result.

We would expect that further Federal Register notices offering the opportunity to the public for comment would be misunderstood and may result in requests for intervention from those members of the public who have sought to delay our other cases. Such a request could very well result in a direct challenge to the validity of the AEC's notice procedures particularly with regard to timeliness.

Finally, we have been advised by your staff that Oconee is the only application for which there is this special notice and opportunity to comment.

For all of these reasons, we do not believe that our interests should be prejudiced because of what is essentially a clerical error by the AEC staff. There is no substantive problem.

In summary, Duke has complied with all the requirements of Appendix D, 10 CFR 50 for Oconee and, therefore, requests a finding that no significant new information relevant to environmental consideration is present and no further action is warranted.

Sincerely,



Troy B. Conner, Jr.
Counsel for the Applicant