

FROM

Reld & Friend
Troy B. Conner, Jr.
New York, N. Y.

CONTROL NUMBER

4174

FILE LOC.

DATE OF DOCUMENT

2/8/72

ACTION CO.

DEADLINE

TO

L. Manning Matzlag

ACTION PROCESSING DATES

Acknowledged _____

Interim Report _____

Final _____

PREPARE FOR SIGNATURE OF:

Chairman_____
Director of Regulation

DESCRIPTION

Ltr

 Original Copy Other

REMARKS

Ref. draft detailed statement dtd 12/13/71 concerning
Greene and requests clarification of Appendix D on providing
a single notice of opportunity for hearing to cover all
three units

Sent

9
ENVIRON

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

Shapoz f/action

2/8/72

RECOMMENDED? _____

Cys:

Matzlag PER (50-269)

Henderson (50-270)

Bloch (50-287)

Rogero

Merrio

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROLForm HQ-32 (6-70)
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REID & PRIEST

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CABLE ADDRESS
"REIDAPT"

Washington, D. C.
February 8, 1972

WASHINGTON OFFICE
1701 K STREET, N.W.
WASHINGTON, D.C. 20006
202 638-3752

Mr. L. Manning Muntzing
Director of Regulation
U. S. Atomic Energy Commission
Washington, D. C. 20545

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

Dear *Manning* Muntzing:

The scope of the regulatory staff's draft detailed environmental statement dated December 13, 1971 in the captioned matter is ambiguous in stating that "Although the present action is concerned with the proposed issuance of a license to operate one unit, this statement considers the environmental impact of the simultaneous operation of all three units". Inasmuch as the NEPA review is intended to cover all activities conducted on a site, I assumed that the suggestion in the environmental statement that only Unit 1 was involved was inadvertent.

The applicant's environmental report dated July 10, 1970, and the supplement thereto dated October 1971 evaluate the impact on the environment from all three reactors. The draft detailed statement prepared by your staff makes its technical analysis on the same basis.

For these reasons I asked the staff to clarify this matter in the notice of opportunity for hearing to the public by providing that such opportunity under NEPA applies to all three units at the site.

I understand that there is some question in the minds of some staff members as to whether this change may be made, because revised Appendix D did not contemplate the problem of providing a single notice in instances where more than

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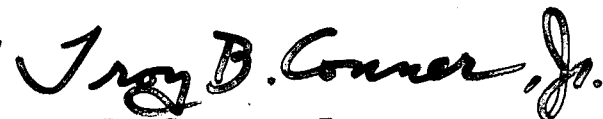
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one reactor is under construction at one site, and where the facilities happen to fall into different categories. It may be noted that the original listing of reactor cases covered included all three units at Oconee in category "D", but that the December 1, 1971, revision placed Units 2 and 3 in category "C" without explanation.

I wish to request clarification of this matter and the issuance of a notice to the public providing only one opportunity for intervention under NEPA. To do otherwise would have the anomalous effect of providing for two or more hearings on identical subject matter, as a result of a drafting error in procedural regulations.

Best regards.

Sincerely,

A handwritten signature in black ink that reads "Troy B. Conner, Jr." with a stylized flourish at the end.

Troy B. Conner, Jr.
Counsel for the Applicant

*Rec'd 11:00pm
2/18/72*

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1701 K STREET, N. W.
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Mr. L. Manning Muntzing
Director of Regulation
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HAND DELIVERED