

MEMO ROUTE SLIP Form AEC-93 (Rev. May 14, 1947) CM 024		See me about this. Note and return.	For currency. For signature.	For action. For information.
TO (Name and unit) <i>MR. MONTZING</i>	INITIALS <i>LM</i>	REMARKS <i>MANNING:</i>		
	DATE <i>4/1</i>	<i>THE ATTACHED</i>		
TO (Name and unit)	INITIALS	REMARKS <i>NOTE IS IN RESPONSE</i>		
	DATE	<i>TO YOUR QUESTION</i>		
		<i>REGARDING PROPOSED</i>		
TO (Name and unit)	INITIALS	REMARKS <i>ACTION TO RESCIND</i>		
	DATE	<i>ORDER SUSPENDING THREE</i>		
		<i>MILE ISLAND TRANSMISSION</i>		
FROM (Name and unit) <i>A. SHAPAR</i>		REMARKS <i>LINE CONSTRUCTION.</i>		
		<i>LM</i>		
PHONE NO.	DATE <i>9/31/73</i>			

USE OTHER SIDE FOR ADDITIONAL REMARKS

GPO : 1968 O-294-619

1585 357

7911120536 A

March 30, 1973

Note to H. Shapar

Pursuant to your request the following information is provided regarding the proposed action rescinding the Commission's Order suspending transmission line construction at the Three Mile Island, Unit 2 facility (TMI-2):

1. On November 4, 1969, after an uncontested hearing, a construction permit was issued. Because of the date of issuance of the construction permit, TMI-2 falls within the provisions of Section C of Appendix D to 10 CFR Part 50. Under Section C we are required to provide an opportunity for a member of the public to request a hearing. A notice for opportunity for hearing under Section C on environmental matters is ready for issuance. It has not been issued pending issuance of the above proposed Order.
2. TMI-2 was also subject to the provisions of Section E of Appendix D with respect to show cause procedure. No hearing was requested by applicant or public and on November 22, 1971, we issued the suspension order suspending transmission line construction pending completion of the environmental review.
3. In December 1972 a Final Environmental Statement for TMI-1 and TMI-2 was issued. This statement concluded that construction of the suspended transmission line was okay.
4. An application for an operating license for TMI-2 is expected in July 1973. At that time we will issue a notice of opportunity for hearing on the application. If a hearing is held on this action as the result of the granting of a petition for leave to intervene or because the applicant requests one, the Final Environmental Statement will likely be at least one of the subjects of the hearing.

1585 358

5. We are now proposing to lift the Section E suspension and offer an opportunity for hearing on that proposed action. If a hearing is requested and the request granted then so much of the Final Environmental Statement as is applicable to the matter of transmission lines will constitute a portion of the staff's case.

Thus, the answer to the Director of Regulation's question is that

1. There may be a hearing on the transmission line portion of the Final Environmental Statement in connection with the proposed action identified in Item 5 above.
2. There may be a hearing on the Final Environmental Statement in connection with the Section C matter identified in Item 1 above.
3. There may be a hearing on environmental matters, which develop after the above events occur, in connection with the operating license application as identified in Item 4 above.

The rationale for noticing opportunity for two hearings in such a short period of time is that a full environmental challenge is expected on the Section C action (same intervenors as are in TMI-1) which would delay the work which the applicant wants to perform on the transmission line.



Thomas F. Engelhardt

1585 359