

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1131

September Term, 1981

PEOPLE AGAINST NUCLEAR ENERGY, Petitioner

v.

United States Court of Appeals
for the District of Columbia Circuit

UNITED STATES NUCLEAR REGULATORY COMMISSION
and UNITED STATES OF AMERICA, Respondents

FILED APR 2 1982

METROPOLITAN EDISON COMPANY et al.
(PUBLIC UTILITIES), Intervenor

GEORGE A. FISHER

Petition for Review of an Order of the United States Nuclear ^{CLERK} Regulatory Commission

Before WRIGHT, Circuit Judge, McGOWAN, Senior Circuit Judge, and WILKEY, Circuit Judge.

AMENDED JUDGMENT

This cause came on to be heard on a petition for review of an order of the United States Nuclear Regulatory Commission and was briefed and argued by counsel. A judgment was issued on January 7, 1982, Judge Wilkey dissenting. In light of changed circumstances and further consideration, this court has decided to modify its order to the Commission. On consideration thereof,

It is ORDERED and ADJUDGED by this court that this case is remanded to the Commission for a determination whether, since the preparation of the original environmental impact statement for the nuclear facility at Three Mile Island, Unit 1 (TMI-1), significant new circumstances or information have arisen with respect to the potential psychological health effects of operating the TMI-1 facility. The Commission may choose the procedures by which it makes this determination. If the Commission finds that such significant circumstances or information exist, it shall prepare a supplemental environmental impact statement which considers not only effects on psychological health but also effects on the well-being of the communities surrounding Three Mile Island.

It is FURTHER ORDERED and ADJUDGED by this court that, in light of the current operating difficulties at TMI-1, it is no longer necessary in order to preserve the status quo to enjoin the Commission from deciding to restart TMI-1 until it has complied with the requirements of the National Environmental Policy Act (NEPA). The injunction granted on January 7, 1982 is hereby vacated. If subsequently the Commission intends to make a final decision regarding the restart of TMI-1 prior to complying with its obligations under NEPA, it shall provide the court and the petitioner with thirty days' notice thereof.

Opinions to follow.

Per Curiam

For the Court

George A. Fisher
George A. Fisher
Clerk

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Circuit Judge Wilkey dissents for the reasons stated in his dissent from the earlier Judgment and in his opinion to follow.

Bills of costs must be filed within 14 days after entry of judgment. The Court looks with disfavor