

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

9/9/76

Before the Atomic Safety and Licensing Board

In the Matter of)
)
METROPOLITAN EDISON COMPANY,)
JERSEY CENTRAL POWER & LIGHT COMPANY,)
and)
PENNSYLVANIA ELECTRIC COMPANY)
)
(Three Mile Island Nuclear Station,)
Unit 2))

Docket No. 50-320

APPLICANTS' RESPONSE TO
PETITION FOR INTERVENTION

Applicants' counsel has received from the Office of the Secretary, Docketing & Service Section, an unsigned and undated copy of "Petition for Intervention" ("Petition") on behalf of the Environmental Coalition on Nuclear Power ("Coalition") requesting leave to intervene "in this proceeding," together with a cover letter dated August 23, 1976, signed by Judith H. Johnsrud as Co-Executive Director of the Coalition. The Petition contains a number of contentions relating to the adequacy of the cost-benefit analysis justifying construction and operation of Three Mile Island Nuclear Station, Unit No. 2 ("TMI No. 2") and concludes that the construction permit for TMI No. 2 should be rescinded immediately and construction halted pending resumption of public hearings and resolution of the contentions.

It is Applicants' understanding that NRC Staff

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counsel regard the Petition as a petition to intervene pursuant to Section 2.714 of the Commission's regulations in the currently pending combined hearing with respect to the issuance of an operating license for TMI No. 2 and with respect to whether, considering those matters covered by Appendix D to 10 CFR 50 of the Commission's regulations, the TMI No. 2 construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values. This response treats the Petition accordingly.

Applicant opposes the Petition as a late petition to intervene by a new intervenor* with no showing of good cause with respect to any of its contentions. The Coalition seeks to enter this proceeding and to rescind the TMI No. 2 construction permit more than two years after the June 27, 1974, deadline for petitions to intervene. (Notice of Application for Facility Operating License, 39 F.R. 18497, May 28, 1974.) The Petition should either be denied by this Board, or at a minimum, the Coalition should be required promptly to submit a showing

* Applicant notes a substantial overlap between the individual members of the Coalition identified in its Petition and the individual members previously identified with Citizens for a Safe Environment and York Committee for a Safe Environment, already admitted as intervenors in this proceeding. At least one of the existing intervenors (Citizens for a Safe Environment) is also an organizational member of the Coalition. Mr. Chauncey Kepford is the designated representative of both the Coalition and existing intervenors. Thus in practical effect the Petition of the Coalition amounts to an effort by existing intervenors to raise new contentions at this late date without a showing of good cause.

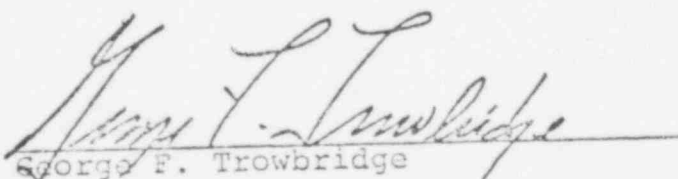
of good cause for late intervention in accordance with Section 2.714(a) of the Commission's regulations, including with respect to each contention a discussion of the factors enumerated in Section 2.714(d). In addition, the Coalition should be required to address the question of good cause and timeliness of each late contention.

Applicants request that if the Board decides to allow the Coalition to submit such a showing of good cause, the Board promptly issue an order requiring such submission no later than ten days after the issuance of the Board's order. Applicants will reply within five working days after receipt of any such submission, will respond to any contentions for which good cause and timeliness are shown, and will request an early prehearing conference for argument and ruling by the Board on the allowability of the late intervention and contentions.

Applicants plan to request a hearing on the previously allowed contentions of existing intervenors in December of 1976 or January of 1977, depending on the issuance date of the Final Supplement to the Final Environmental Statement now in preparation. In order to avoid potential delay in the hearing process, Applicants urge the Board to act as expeditiously as possible in handling the Petition.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


George F. Trowbridge

Dated: September 9, 1976

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)

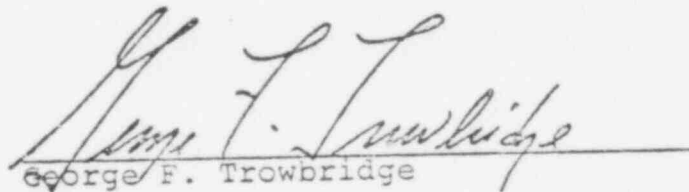
METROPOLITAN EDISON COMPANY,)
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and)
PENNSYLVANIA ELECTRIC COMPANY)

(Three Mile Island Nuclear Station,)
Unit 2))

Docket No. 50-320

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing
"Applicants' Response to Petition for Intervention" have been
served upon each of the persons listed on the attached service
list by mailing a copy, postage prepaid, on this 9th day of
September, 1976.


George F. Trowbridge

Date: September 9, 1976

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
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METROPOLITAN EDISON COMPANY,)
ET AL.) Docket No. 50-320
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(Three Mile Island Nuclear
Station, Unit 2))

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Atomic Safety and Licensing Appeal
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