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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON COMPANY, ET AL

(Three Mile Island Nuclear Station
Unit 1)

9-21-72

DOCKET NO. 50-289

AEC REGULATORY STAFF'S ANSWER TO ADDENDUM
TO PETITION TO INTERVENE FILED BY THE
CITIZENS FOR A SAFE ENVIRONMENT AND
THE ENVIRONMENTAL COALITION FOR NUCLEAR POWER

On September 6, 1972, Citizens for a Safe Environment and the Environmental Coalition of Nuclear Power (hereinafter referred to as "the petitioners") filed an "Addendum" to their "Petition for Intervention" dated August 7, 1972. We note that the period fixed by the Commission for the filing of petitions for leave to intervene in the captioned matter expired on August 7, 1972. However, for the reasons set forth in our answer to petitioners' timely filing of August 7, we urge the Commission to grant the petitioners leave to file their Addendum out of time and to consider that Addendum together with the September 7 filing in deciding whether the petitioners should be permitted to intervene in this proceeding.

In their September 6 Addendum the petitioners' first address a number of concerns raised in our answer to their August 7 Petition.

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for Intervention and then set forth fifteen new contentions.

With respect to matters in the Addendum relating to the original

Petition for Intervention, we have the following comments:

- A. The petitioners have not yet fully responded to our concerns, as expressed in our answer to their August 7 filing, with respect to the identification of those whom they claim to represent. In this connection, we note that the Addendum identifies no specific individual claimed to be represented by the Environmental Coalition of Nuclear Power, and that, contrary to a representation made therein, no list of the organizations comprising such petitioner has been furnished. In the circumstances we believe that any order permitting intervention by the petitioners should be conditioned upon the filing of an appropriate affidavit or affirmation with respect to matters pertaining to the identity and interest of the petitioners. Cf. Commission Memorandum and Order dated September 15, 1972, In the Matter of Omaha Public Power District, Docket No. 50-285.
- B. In their Addendum the petitioners seek to amend contentions (c), (h), (i) and (q) of their Petition for Intervention. In our view these contentions, as amended by the Addendum, are in certain respects overly vague,

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in certain respects simply confusing^{*/}, and in general in need of clarification. In addition, contention (c) may be subject to the objection noted infra with respect to contention 50. However, we believe that in the event the Commission determines to admit the petitioners as parties to the proceeding, these contentions could be refined and clarified through appropriate prehearing procedures.

We have the following additional comments with respect to new contentions set forth in the Addendum:

- A. Contention 43 amounts to legal argument on a point of evidence and does not place in issue any questions of fact.
- B. Contention 45 would appear to be at least partially concerned with the nuclear fuel cycle. To the extent that it is so concerned, these matters are outside the scope of this proceeding and should be excluded. See Atomic Safety and Licensing Appeal Board Memorandum and Order dated June 6, 1972 - In the Matter of Vermont Yankee Nuclear Power Corp., Docket No. 50-271 and Atomic Safety and Licensing Appeal Board Memorandum and Order

^{*/} The critique of the "core spray nozzles" in contention (h) is particularly confusing; there are no such devices in the Three Mile Island Unit 1.

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dated July 19, 1972 - In the Matter of Consumers Power Company, Docket No. 50-329 and 50-330.

- C. Contention 50 may be intended in part as a challenge to the Commission's interim acceptance criteria for emergency core cooling systems. To the extent the contention is intended as a challenge to the interim criteria, it is outside the scope of this proceeding. See Atomic Safety and Licensing Appeal Board Memorandum and Order dated June 20, 1972 - In the Matter of Vermont Yankee Nuclear Power Corp., Docket No. 50-271.
- D. Except to the extent indicated above, we would reserve judgment on the new contentions, pending clarification of the same through prehearing procedures. As to many of these contentions, it is not clear whether the petitioners are attempting to raise triable issues of fact or merely drawing legal conclusions. In addition, certain of the contentions are confusing or unduly general.

Subject to the reservations expressed above and in our answer to the petitioners' August 7 Petition for Intervention, we have no objection to the admission of the petitioners as parties to this proceeding.

Respectfully submitted,



Howard M. Wilchins
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 20th day of September 1972

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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

METROPOLITAN EDISON COMPANY, ET AL)

(Three Mile Island Nuclear Station
Unit 1))

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Docket No. 50-289

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory staff's answer to addendum to Petition to Intervene filed by the Citizens for a Safe Environment and the Environmental Coalition for Nuclear Power," dated September 20, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 20th day of September, 1972:

Atomic Safety and Licensing
Board Panel
United States Atomic Energy
Commission
Washington, D.C. 20545

Atomic Safety and Licensing
Appeal Board
United States Atomic Energy
Commission
Washington, D.C. 20545

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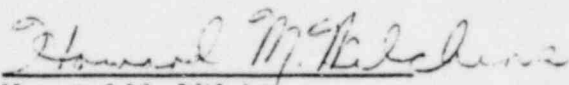
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