

For the reasons stated herein, we oppose the first request, argue that the second request is, in part, unnecessary and, in part, inadequately supported, and note that the third request has, in effect, been granted by the Board's Order of October 15, 1979. We explain our reasoning below.

ARGUMENT

In denying several requests that the Board grant or require an investigation into the granting of funding for participants on all issues in this proceeding, the Board cited the Commission's "Statement of Considerations Terminating Rulemaking" determining not to undertake an intervenor funding program (CLI-76-23; 4 NRC 494, 504-06) and observed that the Commission's express identification of the possible future consideration of such funding on issues of psychological distress indicates a decision not to consider general financial assistance to intervenors. Board Memorandum and Order, October 15, 1979, p. 7. This reasoning also supports a decision not to certify the question to the Commission now, since it raises a question already addressed by the Commission, both as a general policy matter and in the context of fashioning its Order and Notice of Hearing (August 9, 1979) in this proceeding. Accordingly, ANGRY's request should be denied.

ANGRY's second request relates to the scope of the proceeding. Insofar as it is a request for an Order "defining the parameters of the present proceedings", we expect that the Board will, in due course, issue such an Order. ANGRY apparently believes that such a Board Order should address the question of whether the Board's jurisdiction in this proceeding extends to the authority to make findings, pursuant to 10 C.F.R. §50.100, whether the Operating License for Unit 1 should be revoked. If ANGRY wishes to argue that this issue is within the scope of this proceeding, it has the burden of "stating with particularity the grounds" for any motion (or contention) regarding this issue. 10 C.F.R. §2.714(b) and §2.730(b).

The Board's ruling on a request by CEA similar to ANGRY's request for exemption from the numerical filing requirements of 10 C.F.R. §2.708(d) provides that the Board will "explore means by which a reliable and affordable system of duplication of papers, filing, and other communication methods can be established" Memorandum and Order of October 15, 1979 at 8. Discussion of this matter at the special prehearing conference appears to be designed to provide means whereby the exemption ANGRY seeks may be effectively granted.

CONCLUSION

For the foregoing reasons, we argue that none of the requests contained in the Motion filed by ANGRY on October 5, 1979 warrant any additional action by the Board at this time.

Respectfully submitted,

Marcia E. Mulkey
Marcia E. Mulkey
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 24th day of October, 1979.

1371 175

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON COMPANY,
ET AL.

(Three Mile Island, Unit 1)

}
}
}
}
}
Docket No. 50-289

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO OCTOBER 5, 1979 ANGRY MOTION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 24th day of October, 1979.

* Ivan W. Smith, Esq.
Atomic Safety & Licensing Second Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Walter H. Jordan
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dr. Linda W. Little
5000 Hermitage Drive
Raleigh, North Carolina 27612

George F. Trowbridge, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D. C. 20006

Karin W. Carter, Esq.
505 Executive House
P. O. Box 2357
Harrisburg, Pennsylvania 17120

Honorable Mark Cohen
512 E-3 Main Capital Building
Harrisburg, Pennsylvania 17120

Ellyn Weiss, Esq.
Sheldon, Harmon, Roisman & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Mr. Steven C. Sholly
304 South Market Street
Mechanicsburg, Pennsylvania 17055

Mr. Thomas Gerusky
Bureau of Radiation Protection
Department of Environmental Resources
P.O. Box 2063
Harrisburg, Pennsylvania 17120

Mr. Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, Pennsylvania 19149

Metropolitan Edison Company
Attn: J. G. Herbein, Vice President
P.O. Box 542
Reading, Pennsylvania 19603

Ms. Jane Lee
R.D. 3; Box 3521
Etters, Pennsylvania 17319

Walter W. Cohen, Consumer Advocate
Department of Justice
Strawberry Square, 14th Floor
Harrisburg, Pennsylvania 17127

Robert L. Knupp, Esq.
Assistant Solicitor
Knupp and Andrews
P.O. Box P
407 N. Front Street
Harrisburg, Pennsylvania 17108

John E. Minnich, Chairman
Dauphin Co. Board of Commissioners
Dauphin County Courthouse
Front and Market Sts.
Harrisburg, Pennsylvania 17101

- * Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
- * Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
- * Docketing and Service Section
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Robert Q. Pollard
Chesapeake Energy Alliance
609 Montpelier Street
Baltimore, Maryland 21218

Chauncey Kepford
Judith H. Johnsrud
Environmental Coalition on Nuclear Power
433 Orlando Avenue
State College, Pennsylvania 16801

Ms. Frieda Berryhill, Chairman
Coalition for Nuclear Power Plant
Postponement
2610 Grendon Drive
Wilmington, Delaware 19808

Holly S. Keck
Anti-Nuclear Group Representing
York
245 W. Philadelphia Street
York, Pennsylvania 17404

John Levin, Esq.
Pennsylvania Public Utilities Comm.
Box 3265
Harrisburg, Pennsylvania 17120

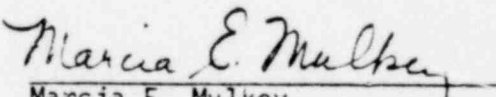
Jordan D. Cunningham, Esq.
Fox, Farr and Cunningham
2320 North 2nd Street
Harrisburg, Pennsylvania 17110

Theodore A. Adler, esq.
Widoff Reager Selkowitz & Adler
Post Office Box 1547
Harrisburg, Pennsylvania 17105

Ms. Marjorie M. Aamodt
R.D. #5
Coatesville, Pennsylvania 19320

Ms. Karen Sheldon
Sheldon, Harmon, Roisman & Weiss
1725 I Street, N. W.
Suite 506
Washington, D. C. 20006

Earl B. Hoffman
Dauphin County Commissioner
Dauphin County Courthouse
Front and Market Streets
Harrisburg, Pennsylvania 17101


Marcia E. Mulkey
Counsel for NRC Staff