

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
) (Restart)
(Three Mile Island Nuclear)
Station, Unit No. 1))

LICENSEE'S RESPONSE TO FINAL CONTENTIONS OF
NEWBERRY TOWNSHIP T.M.I. STEERING COMMITTEE, ET AL.

Contention No. 1. The Newberry Township T.M.I. Steering Committee's concern is concentrated, for the purposes of this intervention, to the issue of the psychological and emotional impact upon the citizens of Newberry Township if reactivation of Unit Number 1 is authorized by the NRC in light of the recent accident of March 28, 1979. Operation of Unit Number 1 would be a constant reminder of the trauma which was experienced by members of the Committee throughout the accident and the possibility that they would re-experience the same trauma if, in the future, a similar accident took place. It is averred that this is a health concern which involves the quality of the human environment, and therefore is embodied in the NEPA and thus is an issue and/or contention which is proper for the NRC to consider.

Licensee's Response

Licensee objects to this contention. This contention attempts to raise the issue of psychological and emotional impacts. For the reasons set forth in Licensee's accompanying brief on this issue (see Licensee's Brief Opposing Admission of Psychological Distress Contentions), such a contention is not cognizable under either the Atomic Energy Act of 1954 or the National Environmental Policy Act of 1969.

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Contention No. 2. The individual petitioners contend that the psychological impact upon themselves as a result of the accident of March 28, 1979, is also an aspect which is relevant to the quality of the human environment and is embodied in the NEPA. Petitioners further contend that the psychological fear generated in the public mind as a result of the March 28, 1979, accident has resulted in a de facto public bias and prejudice against the Newberry Township area with regard to the siting of new residential building, new businesses, and the purchasing of the existing improved parcels of real estate within the Township. It is also contended that the threat of reactivation of Unit Number 1 has and will, in the future, continue to effect the above-enumerated economical concerns. Petitioners aver that these contentions concerning health and socio-economic aspects are embodied in the spirit and language of the NEPA.

Licensee's Response

Licensee objects to this contention. This contention attempts to raise the issue of psychological impact and resultant socio-economic impacts. For the reasons set forth in Licensee's accompanying brief on this issue (see Licensee's Brief Opposing Admission of Psychological Distress Contentions), such a contention is not cognizable under either the Atomic Energy Act of 1954 or the National Environmental Policy Act of 1969.

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***Contention No. 3.** Evacuation planning done by Metropolitan Edison and the Nuclear Regulatory Commission is inadequate to assure the safety of the public, particularly those persons who live within a five mile radius of the plant. Operation of T.M.I. Unit Number 1 should not be resumed until a plan is in place for the evacuation of the public in the maximum area which could be affected by an accident.

Licensee's Response

Licensee recognizes the right of petitioner to raise contentions relating to emergency planning. In accordance with the position set forth at Section B of Licensee's covering memorandum, it is requested that the Board require petitioner to revise and resubmit this contention with specific objections to Licensee's emergency preparedness following petitioner's receipt of the updated Emergency Plan.

Dated: October 31, 1979

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