

T E C

In the Matter of  
METROPOLITAN EDISON COMPANY  
(Three Mile Island Nuclear  
Station, Unit # 1)

\*  
\* UNITED STATES OF AMERICA  
\*  
\* NUCLEAR REGULATORY COMMISSION  
\*  
\* Docket # 50 289  
\*  
\*

\*\*\*\*\*



PETITION FOR LEAVE TO INTERVENE

The CHESAPEAKE ENERGY ALLIANCE, INC. (C.E.A.) hereby submits this  
Petition for leave to intervene in the matter of the hearings con-  
cerning the possible re-opening of Three Mile Island Nuclear Station,  
Unit # 1. In submitting this petition, C.E.A. requests that  
reasonable waiver of the exact form for filing this petition be  
granted for the following reasons:

1167 173

- 1) C.E.A. did not receive notification of the Order and Notice of Hearing in this Matter until August 27, 1979, and
- 2) C.E.A. is a grass-roots organization without access to the funding and resources necessary to hire an attorney or other such person with the formal training & experience to guarantee that the petition is filed in proper form, and
- 3) That the denial of the right to be heard in this matter based on the lack of financing available to C.E.A. would constitute denial of the Constitutional guarantee of 'Equal protection under the law', and that
- 4) The restrictive demands and procedures concerning petitions for leave to intervene and other matters before the Commission can reasonably be shown to have contributed to the Commission's inability to ensure the safety of TMI Unit # 2, and of other reactors by unreasonably limiting safety related issues that have been raised by citizens and citizen groups lacking the resources and legal sophistication to comply with all of the

G 7910180 203

regulations of the Commission and of the Code of Federal Regulations.

Furthermore, in filing this petition, C.E.A. challenges the 'ground rules' laid down in the Order and Notice of Hearing, specifically the Commission's instructions 'to explore opportunities to shorten time limits provided in the Rules', 'to shorten time limits where feasible', and 'to consolidate participation to the maximum extent practicable', in that these instructions will clearly have the effect of favoring the interests of Metropolitan Edison over the interests of safety and caution. In view of the events involving TMI Unit #2, C.E.A. submits that these instructions be changed to specify that the board make the maximum possible effort to ensure that any safety related issue can be raised fully and without restriction, and that the board extend the time limits wherever necessary to allow citizens and citizen groups concerned with safety at TMI the maximum opportunity to participate fully in the proceedings without regard to limits on their financial or legal resources.

Furthermore, C.E.A. submits that the concern of the hearings should not be 'to provide reasonable assurance that the TMI facility can be operated without endangering the health and safety of the public', but should be to provide such assurance beyond any reasonable doubt.

Again, this change is essential in order to place the burden of proof on those who would re-open the reactor, and to ensure that the issue of safety is kept paramount during the hearings.

C.E.A., being an organization whose principal concern is with the safety (for its members and others) of nuclear power, is based in Baltimore, Maryland, approximately fifty-five miles from TMI, well within the one hundred mile radius which the A.E.C. in its report, WASH 740, has calculated to represent the danger zone from a worst case disaster at a nuclear power plant. Further, while its membership is concentrated in Baltimore, C.E.A. has members throughout Maryland, including sections of Maryland adjacent to the Pennsylvania border near TMI, as well as in southern Pennsylvania and Virginia and elsewhere. C.E.A. is submitting this petition on behalf of its membership and their interests, including primarily the right to be free from danger to life and health emanating from radiation from a major accident at TMI, as well as interest in personal and other property, given that the provisions of the Price Anderson Act would fail to provide anything over insurance protection for a miniscule proportion of the true value of such property.

1167 175

Furthermore, as is implied by C.E.A.'s name, a principal interest of C.E.A. is the health and safety of the Chesapeake Bay, and of all the life forms sustained by the Bay, not least of which are the crabs, oysters, and other seafood that contribute approximately \$200 million per year to the economy of Maryland and its citizens. Although less simply assigned an economic value, life forms sustained by the Bay, whose principal tributary is the Susquehanna River, on which Three Mile Island is situated, and hence which could be placed in severe jeopardy by a major accident at TMI, include numerous forms of wildlife, especially migrating birds, and fish who use the Bay as breeding grounds.

The effect of an order by the Commission to allow the re-opening of TMI Unit #1 would place in jeopardy the life and health of its membership, place their property at risk, and subject the life forms of the Bay to renewed threat from radioactive contamination, unless the Commission is able to demonstrate beyond any reasonable doubt that the re-opening of TMI Unit #1 would pose absolutely no danger either from a major disaster, or from radiation released from routine operation of the reactor. The past history of the operation of the TMI Units, both leading up to the accident at TMI Unit # 2 and since that time, both immediately after and in later releases of radioactive gasses and water clearly indicate a deficiency in management capability and in its regard for the health and safety of the public on the part of Metropolitan Edison, and there appears to be no evidence of significant change in capability and attitude. Furthermore, C.E.A. contends that no decision can properly be made concerning the re-opening of TMI Unit #1 without taking into account the overwhelming public sentiment in the area against such a re-opening. For such a decision to be made against the interests and expressed desires of the people would clearly be to fly in the face of the basic principles on which these United States of America were established. Indeed, the 'psychological distress' that would be induced by the re-opening of the reactor would be in no small part attributable to a sense of powerlessness and frustration of a people whose ability to determine their own interests has been usurped by a Government that is failing to respond to the reasonable and legitimate desires of its people. Thus, the re-opening of Unit #1 in the face of overwhelming public opposition represents an issue of Constitutional

dimensions.

In view of the shortage of time that was available to C.E.A. to prepare this petition for leave to intervene, C.E.A. further requests the right to make such amendments to this petition as are called for by a further and more thorough review of the matter, and by a review of the appropriate Codes of Federal Regulations, the Atomic Energy Act, and the National Environmental Protection Act.

Respectfully submitted



Robert O. Pollard, for  
CHESAPEAKE ENERGY ALLIANCE  
609 Montpelier Street  
Baltimore, Maryland 21202

I hereby certify that a copy of this petition has been sent this 3rd day of September, 1979 to the Executive Legal Director, U.S. Nuclear Regulatory Commission, and to Mr. George F. Trowbridge, Shaw, Pittman, Potts, and Trowbridge, attorney for the licensee.



Robert O. Pollard, for

CHESAPEAKE ENERGY ALLIANCE