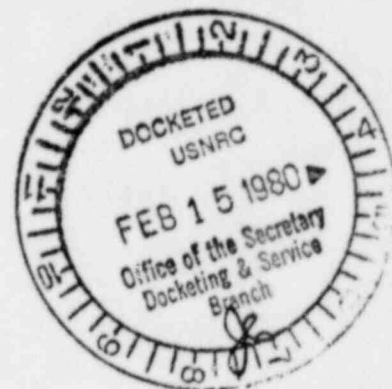


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little



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

INTERIM ORDER ON LATE FILED
EMERGENCY PLANNING CONTENTIONS
(February 15, 1980)

Intervenors Mrs. Aamodt, Newberry Intervenors, and Environmental Coalition on Nuclear Power have filed emergency planning contentions after the date provided by board order. Although none of these intervenors has established good cause for late filing, because of certain mitigating factors and, for other reasons which will be discussed in a later memorandum, the board in this instance, has considered these contentions on their merits without regard to their lateness. In the meantime, so that the affected parties may proceed timely with discovery on emergency contentions, we list below the contentions which have been accepted by the board. The later memorandum will detail the reasons why these contentions have been accepted and others rejected. Because the board had

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previously granted an extension of time to Newberry Intervenors for some emergency contentions, some, but not all, of the contentions accepted below were timely filed.

Mrs. Aamodt

Mrs. Aamodt's Contention No. 4 as it has been amended by her "Comments" dated January 15, 1980 is accepted. It will be construed in light of her explanation of the contention contained in her January 31 response to licensee's objection to the contention. The board also accepts Mrs. Aamodt's Contention No. 5 regarding care or relocation of livestock. The contention is not now sufficiently specific for litigation; Mrs. Aamodt will be expected to revise the contention for specificity after discovery. The licensee is directed to assist Mrs. Aamodt in gathering the information to be contained in the Department of Agriculture Fixed Nuclear Facility Incident Plan.

Newberry Intervenors

The board ruled upon Newberry Intervenors' earlier emergency planning contentions in the Third Special Prehearing Conference Order. In its filing of January 11, 1980 Newberry files "Contention Number 3" with subparts 1 through 13. The board renumbers Newberry's contentions to be consistent with its earlier numbering scheme. Therefore Newberry's January 11 revised contentions will be Contention No. 3(d)(1) through (13).

The board accepted Newberry Contentions 3(d)(1) through (5), (7), and (9) through (12). We reject Contentions 3(d)(6), (8), and (13).

ECNP

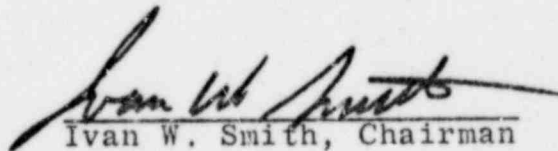
In its filing of January 7, 1980 ECNP submitted its "revised contention on emergency preparedness." This is probably a reference to ECNP's original Contention No. 2, consideration of which was deferred pending the licensee's revision of its emergency response plans. Pages 1 through 6 of ECNP's revised Contention No. 2 are general comments and a listing of some 21 alleged "assumptions" in licensee's plans. These are not couched in a form useful as contentions, but could be considered as general bases for contentions. On pages 7 through 13 of revised Contention No. 2, ECNP lists subcontentions numbered 1 through 38, which are generally in a form suitable for consideration as contentions. The board designates them as Contentions 2-1 through 2-38.

The board accepts ECNP Contentions 2-8, 2-9, 2-10, 2-13, 2-20, 2-26, 2-28, 2-30, 2-33, 2-36 and 2-38. ECNP Contentions 2-2 and 2-4 are accepted for discovery but ECNP is required to provide more specificity following discovery. Contention 2-7 is accepted, but only insofar as it asserts inadequacies in the licensee's plan for informing the public of possible releases. Contention 2-30 is consolidated with Contention 2-20.

Chesapeake Energy Alliance (CEA)

The board accepted CEA's emergency planning Contentions No. 2(b)(c) and (d) in the First Prehearing Conference Order. However, CEA was required to address licensee's revised emergency response plans after which the board would reconsider CEA's contentions. CEA was also urged by the board to redraft Contention No. 2(c). Upon reconsideration of CEA's Contention No. 2(b)(c) and (d), the board now dismisses them for default and for other reasons which will be explained in our later memorandum.

THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Bethesda, Maryland
February 15, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

Docket No. 50-289
(Restart)

This is to certify that I have today placed in the mail copies of the Licensing Board's INTERIM ORDER ON LATE FILED EMERGENCY PLANNING CONTENTIONS, dated February 15, 1980, addressed to the following parties to this proceeding:

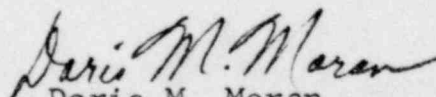
Ms. Marjorie M. Aamodt
R. D. #5
Coatesville, PA. 19320

Jordan D. Cunningham, Esq.
Fox, Farr & Cunningham
2320 North Second Street
Harrisburg, PA. 17110

Dr. Chauncey Kepford
Environmental Coalition on Nuclear Power
433 Orlando Avenue
State College, PA. 16801

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

In addition, I certify that I have today read the respectively relevant portions of the above identified Order to representatives of Intervenor Aamodt, Newberry Township T.M.I. Steering Committee, and Environmental Coalition on Nuclear Power.


Doris M. Moran
Clerk to the Board

February 15, 1980
Bethesda, Maryland