

10-31-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

METROPOLITAN EDISON COMPANY,)
)
JERSEY CENTRAL POWER & LIGHT COMPANY,)
)
 and)
)
PENNSYLVANIA ELECTRIC COMPANY)
)
(Three Mile Island Nuclear Station,)
 Unit 1))

Docket No. 50-289

SUPPLEMENT TO APPLICANTS'
REPLY TO PETITIONS TO INTERVENE

1. On August 7, 1972, a petition to intervene in this proceeding was filed on behalf of Citizens for a Safe Environment (CSE) and Environmental Coalition on Nuclear Power. The petition did not contain any authorization on behalf of the Coalition of its participation in the proceeding. Neither did it identify the member organizations of the Coalition or contain any evidence that they were in fact members of the Coalition. Finally, the petition failed to identify any individual members of either CSE or the Coalition. These shortcomings were pointed out in Applicants' Reply to Petition for Intervention of Citizens for a Safe Environment and Environmental Coalition on Nuclear Power, filed on August 16, 1972.

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2. On September 6, 1972, well after the time fixed by the Commission for the receipt of petitions for leave to intervene, Petitioners filed an "Addendum to Petition for Intervention". As Applicants observed in their Reply to the Addendum, filed October 2, 1972, the Addendum cured none of these defects in the initial petition.

3. On October 6, 1972, the Coalition filed an affidavit by its Executive Co-director listing "the groups and organizations making up the Coalition". An examination of this list makes it clear that the Coalition does not have the requisite interest entitling it to intervene in this proceeding. Having now had three opportunities to show that it has standing and having failed to do so, the Coalition's petition should be denied.

4. The Coalition's Affidavit lists its forty constituent groups. One of these groups is CSE. With this sole exception, all of Coalition's member groups are located at considerable distances from the site of the Three Mile Island Nuclear Station. Even ignoring the groups located in New Jersey and Washington, D. C., the Coalition's member groups are scattered from 102 to 37 air miles from the site. A list of the distances of each of the locations of the Coalition's Pennsylvania member groups from Three Mile Island is attached as Exhibit A hereto.

5. With the possible exception of CSE* (which is located in Harrisburg, 11 miles from the Three Mile Island site), all of the Coalition's member groups are too distant from the site to be entitled to standing in this proceeding.

6. Whether or not CSE's location would be in sufficient proximity, the Coalition should not be permitted to use CSE in an effort to create standing. CSE is a petitioner in its own right. To allow one petitioner (CSE) to confer standing on another petitioner (Coalition) would sanction a bootstrapping technique which would add only to the multiplicity of parties.

7. In addition to the Coalition's failure to demonstrate its standing in view of its members' remoteness from the Three Mile Island site, the Coalition's standing remains subject to the same deficiencies described in Applicants' previous filings. Thus, it has not identified any individual members who would meet the "individualized injury"

* This position in no way concedes that CSE has adequately demonstrated its standing. Applicants' previous filings demonstrate that CSE has also failed to establish its right to intervene. In particular, CSE has failed to show the individualized interest required by Sierra Club v. Morton. CSE has done nothing to cure this failure.

test established by Sierra Club v. Morton. Neither has the Coalition shown more than the "mere 'interest in a problem'" which the Supreme Court held inadequate. Even in the Coalition's third filing, the instant affidavit, the Coalition could only say that it

"is primarily concerned with man and his environment, his health and safety, and the attainment of beneficial uses of our environment without degradation [sic], risk to health and safety or other undesirable or unintended consequences. We are concerned with the aforementioned especially as to how the construction and operation of nuclear reactors relates to these considerations."

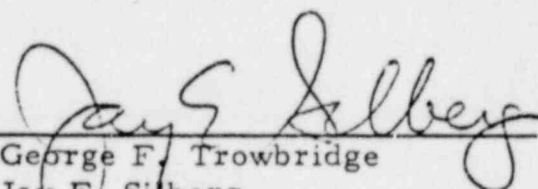
Such a statement is exactly the kind of claim which does not entitle a party to intervene under Sierra Club v. Morton.

8. The Coalition, notwithstanding its three attempts to do so, has failed to establish that it has standing to intervene in this proceeding. Applicants would again call attention to the advice of Judge Tamm in his concurring opinion in Wilderness Society v. Morton, 4 ERC 1101 (D. C. Cir. 1972), warning against granting intervention "upon incantation

of the phrase 'it won't do any harm''. (See Applicants' Reply to Petition to Intervene, pp. 4-6). For these reasons, the Coalition should not be permitted to intervene in this proceeding.

Respectfully submitted,

SHAW, PITTMAN, POTTS
& TROWBRIDGE

By 
George F. Trowbridge
Jay E. Silberg

Dated: October 31, 1972

EXHIBIT "A"

DISTANCES FROM COALITION'S PENNSYLVANIA
MEMBER GROUPS TO THREE MILE ISLAND

<u>Name of Group and Location</u>	<u>Air Miles to Three Mile Island</u>
Bethlehem Garden Club Bethlehem, Penna.	77
Bucks County Audubon Society Doylestown, Penna.	83
Citizens of Allentown United to Save Our Environment, Allentown, Penna.	71
Cheltenham Ecology Action Group, Cheltenham, Penna.	83
Cheltenham Natural Food Club, Natural Food Assoc., Philadelphia, Penna.	86
Chester County Environmental Committee, West Chester, Penna.	59
Citizens Committee for Environmental Concern Tunkhannock, Penna.	102
Citizens Concerned about Nuclear Power, Bristol, Penna.	97
Citizens Committee for Environmental Control of Eastern Montgomery Co., Elkins Park, Penna.	83
Citizens for a Safe Environment Harrisburg, Penna.	11
Concerned Laymen for Environmental Action Now Hellertown, Penna.	77

EXHIBIT "A"

- 2 -

<u>Name of Group and Location</u>	<u>Air Miles to Three Mile Island</u>
East Pennsylvania Environmental Concern Emmaus, Penna.	69
ECOS, Kutztown State College, Kutztown, Penna.	56
Environmental Action Coordinating Committee Tullytown, Penna.	102
Fellowship House Farm Pottstown, Penna.	58
Germantown Ecology Organization Philadelphia, Penna.	86
Help Eliminate Life Pollutants Waverly, Penna.	110
Lehigh Valley Air Conservation Council Allentown, Penna.	71
Limerick Ecology Action Group Limerick, Penna.	64
Medical Committee for Human Rights Philadelphia, Penna.	86
Moravian Environmental Society Moravian College Bethlehem, Penna.	77
Muhlenberg Ecology Action Group Muhlenberg College Allentown, Penna.	71
Parkland High School Natural History Club Orefield, Penna.	69
People Against Ketch State College, Penna.	75

1583 204

EXHIBIT "A"

- 3 -

<u>Name of Group and Location</u>	<u>Air Miles to Three Mile Island</u>
Penn Northeast Conference Palmerton, Penna.	74
Philadelphia Ecology Action Group Philadelphia, Penna.	86
Saucon Association for a Viable Environment Coopersburg, Penna.	75
Save Solanco's Environment Peach Bottom, Penna.	37
SOIL-Citizens to Save Our Individual Lands, Hamburg, Penna.	48
Swarthmore Ecology Action Swarthmore College Swarthmore, Penna.	76
Zero Population Growth - Lehigh Valley Chapter Emmaus, Penna.	69

Note: Distances are scaled from Federal Aviation Admin. maps.

1583 205

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CERTIFICATE OF SERVICE

I hereby certify that copies of Supplement to Applicants' Reply to Petitions to Intervene, dated October 31, 1972, have been served upon the following by deposit in the United States mail, postage prepaid, this 31st day of October 1972.

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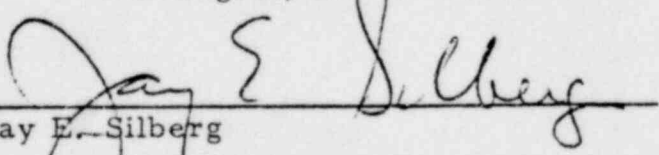
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Dated: October 31, 1972

1583 206