

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9-1-72

In the Matter of

METROPOLITAN EDISON COMPANY
JERSEY CENTRAL POWER AND LIGHT COMPANY
PENNSYLVANIA ELECTRIC COMPANY
Co-Applicants
THREE MILE ISLAND NUCLEAR GENERATING STATION
Unit 1

Docket No. 50-289

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PETITION FOR LEAVE TO INTERVENE
AS A STATE PURSUANT TO 10 C F R 2.715 (C)

NOW COMES the Commonwealth of Pennsylvania by its attorneys to notify the Honorable Commission that it will participate as a state in the above-captioned proceeding:

1. Pursuant to the Atomic Energy Act of 1954, as amended, and the Regulations of the Atomic Energy Commission in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities" and Part 2, "Rules of Practice", notice was published in the Federal Register on July 7, 1972, that the Atomic Energy Commission will consider the issuance of a facility operating license which would authorize the operation of a pressurized water reactor designated as Three Mile Island Nuclear Station Unit 1 at a steady state power level not to exceed 2935 thermal megawatts. The facility is located on Three Mile Island in the Susquehanna River, within the Commonwealth of Pennsylvania, less than 10 miles from Harrisburg, the State Capitol.

2. Pursuant to the afore-mentioned Act and regulations, notice was also given in the Federal Register 37 F.R. 13360 (July 7, 1972), that The Atomic Energy Commission was providing an opportunity for hearing with respect to whether the provisional construction permit should be continued,

modified, terminated, or appropriately conditioned upon consideration of the standards of Appendix D 10 C F R 50.

3. The aforesaid notices provided for filing within 30 days by any person whose interest may be affected by the proceedings a petition authorized to intervene with respect to the issuance of (1) a facility operating license and (2) with respect to whether the provisional construction permit should be continued, modified, terminated, or appropriately conditioned after consideration of environmental matters.

4. The Commonwealth of Pennsylvania requested on July 7, 1972 an extension of time to file a petition to intervene and/or request a hearing in the proceedings until September 7, 1972. The Atomic Energy Commission on August 3, 1972 granted the extension of time to September 7, 1972.

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A. Interest of Petitioner in the Proceeding:

1. This petition is brought by Attorneys for the Commonwealth of Pennsylvania on behalf of the Commonwealth of Pennsylvania.

The Attorney General, or his designated representatives are authorized by Section 303 of the Administrative Code, 71 Purdon's Statutes, Section 303, to represent the Commonwealth of Pennsylvania in any litigation to which the Commonwealth may be a party or in which the Commonwealth is permitted or required by law to intervene and participate.

2. The Commonwealth of Pennsylvania desires to appear in this matter for itself and on behalf of its citizens, including but not limited to the following departments, boards and commissions of the Commonwealth Government: Department of Agriculture, Department of Commerce, Department of Environmental Resources, Department of Community Affairs, Office of State Planning and Development, Department of Health, Fish Commission, Game

Department of Historical and Museum Commission, Insurance Department and Department of Transportation.

3. The Commonwealth of Pennsylvania for itself and on behalf of its citizens, desires to participate in the hearings before the Atomic Safety and Licensing Board and to introduce evidence, cross-examine witnesses, advise the Commission pursuant to the regulations contained in 10 C F R 2.715 (c).

4. The Commonwealth of Pennsylvania for itself and on behalf of its citizens, is interested in the proceedings insofar as the operation of a nuclear reactor at the proposed site will affect the health, safety and general welfare of the citizens of the Commonwealth and the right of the citizens to clean air, clean water, and the preservation of the natural, historic, aesthetic and scenic environment.

5. The Commonwealth of Pennsylvania has appeared in previous proceedings in the above-captioned case and is interested in appearing in these proceedings as set forth in paragraph 4 hereof.

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B. How that Interest May be Affected by Commission Action:

1. The health, safety and general welfare of the citizens of the Commonwealth may be adversely affected by the operation of a nuclear reactor within 2 miles of Middletown and Goldsboro, Pennsylvania, densely populated suburban areas and within 10 miles of the City of Harrisburg, a large densely populated urban metropolitan center.

2. The rights of the citizens of the Commonwealth to clean air, clean water and the preservation of the natural, historic, aesthetic and scenic environment may be adversely affected by the operation of nuclear generating station at the proposed site.

C. Specific Issues on Which the Commonwealth Requires a Reasonable Opportunity to Participate and to Introduce

Evidence, Interrogate Witnesses and Advise the Commission:

1. The effect on operation and possible required changes to the design as a result of the flood of June, 1972, future floods, and future flood plain management practices.

2. An inquiry into quality assurance methods to insure that the construction has been and will be completed in accordance with Appendix A of 19 C F R 50.

3. A demonstration of fuel design and fabrication for the facility such as to preclude fuel pellet shift and cladding collapse ~~as~~ has occurred at other pressurized Water Reactor systems.

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D. General Issues on Which the Commonwealth may Desire a Reasonable Opportunity to Participate and to Introduce Evidence, Interrogate Witnesses and Advise the Commission:

1. Whether there is reasonable assurance that construction of the facility will be substantially completed on a timely basis, in conformity with the construction permit and the application as amended, the provisions of the Act, and the regulations.

2. Whether the facility will operate in conformity with the application as amended, the provisions of the Act, and the regulations.

3. Whether there is reasonable assurance (i) that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations.

4. Whether the applicant is technically and financially qualified to engage in the activities to be authorized by the operating license in accordance with the regulations.

5. Whether the applicable provisions of Part 140 of the regulations have been satisfied.

6. Whether issuance of the license will be inimical to the common

defence and security or to the health and safety of the public.

7. Whether in accordance with the requirements of Appendix D of Part 50 of the regulations, the operating licence should be issued as proposed or the provisional construction permit should be continued, modified, terminated or appropriately conditioned.

WHEREFORE, the Commonwealth of Pennsylvania respectfully requests that it be permitted to participate as a state pursuant to 10 C F R 2.715 (c):

(1) With respect to whether, considering those matters covered by Appendix D to 10 C F R 50 the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and

(2) With respect to the issuance of a facility operating license.

Commonwealth of Pennsylvania

J. Shane Creamer
Attorney General

by Frank R. Clokey
Frank R. Clokey
Special Assistant Attorney General

Mailing Address:

Room 219
Towne House Apartments
Harrisburg, Pennsylvania 17105

Date: September 1, 1972

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COMMONWEALTH OF PENNSYLVANIA

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SS

COUNTY OF DAUPHIN

Before me, a Notary Public in and for said Commonwealth and County, personally appeared Frank R. Clokey, Special Assistant Attorney General of the Commonwealth of Pennsylvania, the petitioner herein, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition for leave to intervene are true and correct to the best of his knowledge, information and belief.

Frank R. Clokey

Sworn to and subscribed before me

this 1st day of Sep.

1972.

Kellie S. Howard

NOTARY PUBLIC

My Commission Expires For _____
at _____ Pa. Dauphin

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CERTIFICATE OF SERVICE

I hereby certify that the original and 20 copies of the Petition to Intervene by the Commonwealth of Pennsylvania have been sent by United States Mail, First Class, postage prepaid, this 1st day of September, 1972, to:

Office of the Secretary
United States Atomic Energy Commission
Washington, D.C. 20545
Attention: Chief, Public Proceedings Branch

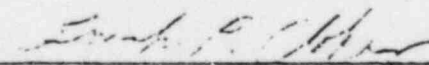
Copies have been sent to:

A.E.C. Public Document Room
717 H Street, N. W.
Washington, D.C. 20545

Office of the General Counsel
Atomic Energy Commission
Washington, D.C. 20545

Gerald Charnoff, Esquire
Shaw, Pittman, Potts and Trowbridge
910 17th Street N. W.
Washington, D.C. 20006




Frank R. Clokey
Special Assistant Attorney General