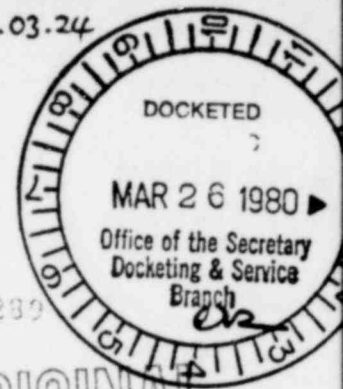


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND HEALTH BOARD



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

Docket No. 50-289
1980-03-24

POOR ORIGINAL

CEA CLARIFICATION OF ITS SUPPLEMENT TO OMNIBUS MOTION TO THE BOARD

CEA received the Board's March 13 Memorandum And Order On CEA .. (Bd 3/13/80) on Saturday, March 22, and is hereby clarifying its Supplement to Omnibus Motion to the Board (CEA:OMB -80.03.06) at the earliest possible date.**For CEA has not yet received the Board's March 11 Memorandum and Order (Bd 03/11/80) that is referred to in Bd 3/13/80. and CEA felt that it would be prudent to have access to that document prior to responding to Bd 3/13/80. Bd 3/11/80 was read to CEA on the phone today by NRC Counsel Lucinda Swartz following CEA's request to her.

CEA requests: Intervenor Funding (IF), to permit it to participate in these proceedings, pursuant to (either of) two authorities, inter alia, namely:

- (1) The impact that CEA's lack of resources will have on its ability to contribute effectively to the record, in conjunction with the Commission's power to grant IF, upon certification or referral to it by the Board on the authority of Modified Adjudicatory Procedures (7590-01), as cited in CEA:OMB -80.02.13 at 2.
- (2) By virtue of CEA having raised a Psychological Distress (PD) contention (correctly identified by the Board as its Contention 4), and the Commission's decision to consider "whether it can and should grant financial assistance to parties seeking to raise these (PD) issues in this case" in its August 9 Order.

A literal construction of the Commission's above cited language does not limit the provision of financial assistance for the litigation of the PD issues alone, and would allow for the Commission to decide to grant general financial assistance (for all contentions) to a party raising a PD issue. Absent the Commission having stated its reasons for considering whether to grant financial assistance to parties raising PD issues, it would be improper to rule out the literal construction noted above.

As to the question as to why CEA had not presented the above interpretation of the Commission's language before doing so in its Supplement to the Omnibus Motion, the explanation is twofold: firstly, CEA had what turned out to be an unrealistic expectation that the Board would recognize the merits of CEA's earlier requests for general IF, and would not feel itself so constrained by the limits of the Commission's August 9 Order; secondly, the above interpretation did not become evident to CEA until it was it was preparing its Supplement to OMB, with the realization that this most likely would be the final opportunity to present arguments to the Board on the matter of IF, hence no stone was left unturned by CEA

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**Note that CEA has not yet received a Certificate of Service for Bd 3/13/80, hence is not able to determine if five days have elapsed since Service.

POOR ORIGINAL

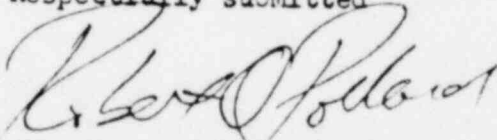
in its search for support for its arguments for IF. Ironically, the Board contributed to CEA's thoroughness by its denial of CEA's Motion to Permit Oral Argument on the Omnibus Motion, and it was not until after the denial of that Motion that CEA recognized the strict interpretation of the August 9 Order.

CEA can not, in any case, be faulted for any tardiness in raising the issue of IF, having raised it before any other party did so, and having consistently and forthrightly sought to have it resolved. Indeed, had the Board shown greater responsiveness to the predicament of CEA (and other parties) being without financial resources, at an earlier stage, and made more attempts to find a resolution, it is likely that the above interpretation of the Commission's Order would have been uncovered at an earlier point.

On the matter of CEA's discovery in respect to its PD contention, #4, CEA notes that the Board's 2/29/80 Order gives CEA until March 26 to file such discovery, and CEA intends to file discovery requests by that time. Like the Board, CEA had inadvertently overlooked the emergency planning component of contention 4, however, it was the psychological distress aspect of the contention that had been central in CEA's original conception of that contention.

CEA intends to submit, for the benefit of the Commission in interpreting and having access to the references cited in the Supplement to CMB, a listing of the filing code used by CEA providing the full identification of each document referenced, and copies of the cited sections of those documents. Since none of that information represents new information to the Board and the parties, CEA will not delay the submission of this clarification while those references and citations are compiled.

Respectfully submitted

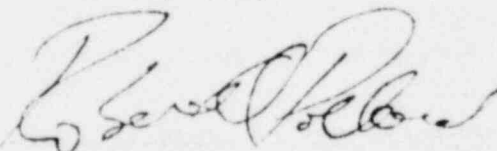


CHESAPEAKE ENERGY ALLIANCE, INC.

By Robert Q. Pollard

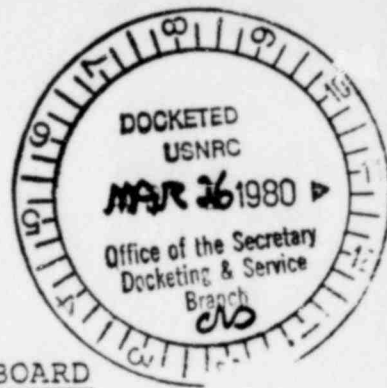
Dated: March 24, 1980

I hereby certify that a copy of this document has been served on all parties on the attached service list by delivery in the United States Mail, First Class, this 24th day of March, 1980.



Robert Q. Pollard

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))

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