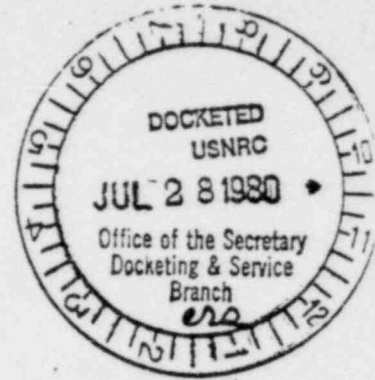


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Appeal Board

In the Matter of)	
PHILADELPHIA ELECTRIC COMPANY, <u>et al.</u>)	
(Peach Bottom Atomic Power Station,)	Docket Nos. 50-277
Units 2 and 3))	50-278
METROPOLITAN EDISON COMPANY, <u>et al.</u>)	
(Three Mile Island, Unit 2))	50-320
PUBLIC SERVICE ELECTRIC AND GAS COMPANY)	
(Hope Creek Nuclear Generating)	50-354
Station, Units 1 and 2))	50-355

INTERVENORS' ANSWER OPPOSING STAFF MOTION
FOR LEAVE TO INCLUDE HEALTH EFFECTS FINDINGS

Three Mile Island-2 and Peach Bottom intervenors oppose the NRC Staff's motion for leave to include health effects findings. The February, 1980, radon hearings, about which the Appeal Board requested the parties to file proposed findings, addressed the magnitude of the radon emissions attributable to the nuclear fuel cycle. The "health effects" caused by these emissions (a euphemism for avoidable premature death from leukemia, cancer, and other disease produced by ionizing radiation, including genetic defects) were specifically excluded from the hearings. The Appeal Board thus ruled, for example, that a portion of Dr. Pohl's testimony was improper because it related to health effects (Tr. 24). Proposed findings on the health effects issue should not be presented at this time because the Appeal Board has not even reached the point of scheduling hearings on the health effects issue.¹

¹
Hearings on the health effects of radon emissions from uranium mining, milling, and mill tailings cannot be conducted until the Appeal Board proposes a number to represent the magnitude of the radon emissions.

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The Staff's proposed health effects findings must also be rejected because they are no more than a belated and impermissible attempt by the Staff to introduce further argument on the discredited "De Minimus" theory.

In Paragraph 94 of its proposed findings, the Staff alleges that the Intervenors do not challenge the Perkins record on the health effects issue. This allegation is absurd. We have repeatedly voiced our objections to the inadequate, deceptive, ruthless, and criminal manner in which radon-related health effects have been systematically ignored by the Perkins Licensing Board, the NRC Staff, and the utilities. We have assailed the failure of these parties to acknowledge the significance and urgency of the health effects issue numerous times, for example, in the following filings:

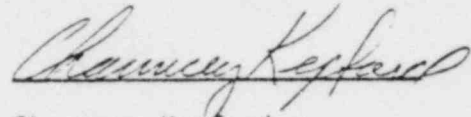
- (1) "Intervenors' Response on the Acceptability of the Perkins' Evidentiary Record," July 27, 1978;
- (2) "In Response to the De Minimus Theory and ALAB-509," February 19, 1979;
- (3) "Response to the Peach Bottom Licensee's Response on De Minimizer," April 12, 1979;
- (4) "Intervenors' Answer to the Motions for Summary Disposition," June 26, 1979;
- (5) "Affidavit of Dr. Chauncey Kepford Setting Forth the Intervenors' Statement of the Facts as to Which There Is a Material Dispute," June 26, 1979.

Until a hearing is held on the health effects issue, the Appeal Board must in effect adopt the calculations which Dr. Kepford summarized in his June 26, 1979, affidavit, and must therefore assume that the radon-induced health effects are potentially on the order of the magnitude of 100,000,000 premature deaths per annual fuel requirement per reactor. In the unlikely event that the Staff actually believes that this staggering

number of avoidable premature deaths is de minimus, the Staff should resign from government service and have their heads examined, for they have clearly failed to execute their responsibilities in the manner required by law.

Ecology Action of Oswego also joins in this response. The TMI-2 and Peach Bottom Intervenors also join in the response to be filed by Ecology Action of Oswego.

Respectfully submitted,



Chauncey Kepford
Representative of the TMI-2
and Peach Bottom Intervenors
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Dated this 22 day
of July, 1980

CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVENORS' ANSWER OPPOSING STAFF MOTION FOR LEAVE TO INCLUDE HEALTH EFFECTS FINDINGS have been served on the parties in this proceeding by deposit in the U.S. Mail, first class, postage paid, this 23rd day of July, 1980.

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