

ENVIRONMENTAL COALITION ON NUCLEAR POWER

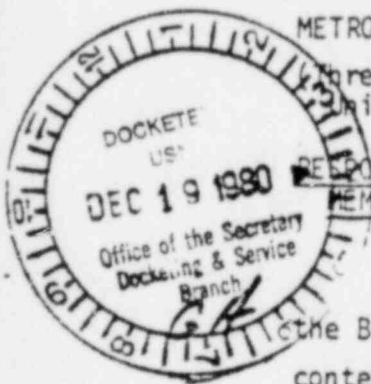
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

Docket No. 50-289



RESPONSE OF THE ENVIRONMENTAL COALITION ON NUCLEAR POWER TO BOARD  
MEMORANDA AND ORDERS OF NOVEMBER 25, DECEMBER 4 AND 11, 1980

The Environmental Coalition on Nuclear Power here responds to the Board's orders concerning emergency response and evacuation planning contentions and other matters referenced in the December 4, 1980, Order.

With respect to the November 25, 1980 Memorandum and Order, ECNP notes that its representative had contacted Mr. Sholly's office on the morning of November 24 to inform him that she was ill and would be unable to drive to Harrisburg for the meeting. Other than Licensee's Memorandum of November 18, Mr. Sholly's subsequent information that he would be discussing emergency planning contentions with Newberry Township TMI Steering Committee counsel, and NUREG-0746 (delivered to ECNP on December 12, 1980), these Intervenors have received no information produced at the November 24th meeting of intervenors, licensee and staff. ECNP notes further that, in a continuation of the discriminatory treatment of parties in this proceeding, no copy of Revision 1 of NUREG-0654 has been served on the ECNP Intervenors, despite its being referred to by the Board as a basis for a grouping of contentions with which intervenors must concur or disagree in this response. Nor has the NRC Staff served upon these Intervenors a study of the TMI Health Physics program to which Mr. Sholly has made reference in telephone conversation and which we understand to have been served upon Mr. Sholly some time ago. In the absence of information essential for an appropriate response to the terms of the Board's November 25, 1980, Order, ECNP states that it intends to litigate its contentions on emergency response and evacuation planning to the fullest extent possible and to consolidate where suitable any portions of contentions with other intervenors when discussion with those intervenors is possible.

ECNP notes also that NUREG-0746 is a Staff evaluation measured against the standards of NUREG-0654 Revision 1, according to NRC Staff counsel's

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cover letter dated December 10, 1980. It is impossible for these Intervenor to file responses or further discovery requests related to this basic document which we have not received, a withholding that is clearly prejudicial to the interests and ability to litigate contentions of these Intervenor. ECNP requests the Board to order the service of NUREG-0654 by the Staff to these Intervenor. ECNP additionally requests the Board to grant a reasonable extension of time following receipt of NUREG-0654 to compare it with NUREG-0746 and to formulate and submit any discovery requests that may result from the perusal.

In further response to the Board's December 11, 1980, Order, ECNP notes that it expects to attend the required meeting on December 19, 1980, again dependent on state of health and on winter driving conditions.

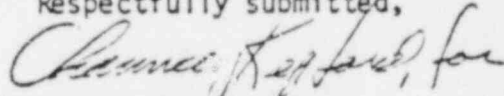
With respect to the Board's Order to ECNP dated December 4, 1980, ECNP replies as follows. The ECNP representative had informed Mr. Sholly of the circumstances of illness and of uncertainty about the availability of ECNP for cross-examination on Contention 1(d). The interpretations of the December 3, 1980, telephone conversation of the Board Chairman with the ECNP representatives, as provided at Transcript pages 7215-18, differ somewhat from the verbatim statements of the participants in that discussion. The ECNP Intervenor have received no transcript since the November 26, 1980, session, although it is now December 15, 1980. Transcripts for the November 19-26, 1980, sessions were received on December 8, 1980. At the time of the December 3, 1980, conversation with Mr. Smith, ECNP had received transcripts up to and including the November 18, 1980, session. The statement was made to Mr. Smith that ECNP had searched not just that day's transcripts but all to date in the fruitless effort to learn when our contentions were scheduled. The relevant pages of the transcript (TR. 5768) show that, as of November 18, 1980, no schedule for the hearing of ECNP Contention 1(d) was given on the record. The Intervenor are told that they must follow the record and keep up to date; the record is withheld; even when the record is finally delivered, the Intervenor find that the matter in question has been discussed off the record. The Intervenor are thereby deprived of their due process to litigate the issues raised and accepted by the Board.

It is the intention of the ECNP Intervenor to prosecute the remaining contentions on emergency planning, within our resource capability. ECNP

does, however, point out that there may be a certain futility for all intervenors in pursuing contentions on emergency response and evacuation planning before an Atomic Safety and Licensing Board that has disqualified itself to hear these issues (Tr. 4512-14). ECNP's revised emergency planning contentions, filed January 7, 1980, should be reconsidered and readmitted by an ASLB that believes itself to be competent to hear and decide these issues.

An exact transcript of the ECNP Intervenor's representatives' telephone conversation with the Board Chairman will follow, to clarify the record.

Respectfully submitted,

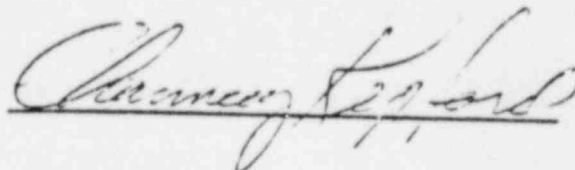
A handwritten signature in cursive script, appearing to read "Judith H. Johnsrud", is written over the typed name.

Judith H. Johnsrud  
Co-Director

Dated this 15th day of  
December, 1980

CERTIFICATE OF SERVICE

I hereby certify that copies of RESPONSE OF THE ENVIRONMENTAL COALITION ON NUCLEAR POWER TO BOARD MEMORANDA AND ORDERS OF NOVEMBER 25, DECEMBER 4 AND 11, 1980 have been served on the following parties in this proceeding, by deposit in the US Mail, first class, postage paid, this 15th day of December, 1980.



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