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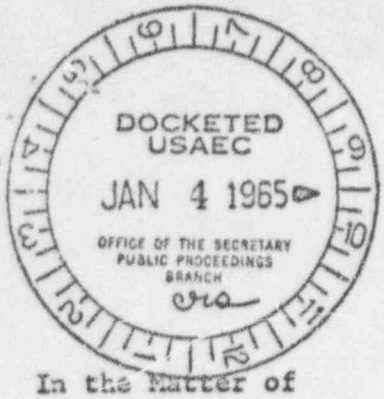

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

In the Matter of)
) Docket No. 50-219
JERSEY CENTRAL POWER & LIGHT COMPANY)

APPLICANT'S REPLY TO PETITION FOR REVIEW BY AEC REGULATORY STAFF

This reply is filed on behalf of the applicant (Jersey Central Power & Light Company) in support of the petition by the AEC Regulatory Staff for review by the Commission of the Initial Decision and Order of the Atomic Safety and Licensing Board in this proceeding.

In applicant's view the record in this proceeding clearly establishes that applicant fully met the requirements of the Commission's regulations and particularly Part 50.35 thereof for the issuance of a provisional construction permit. The Commission's Advisory Committee on Reactor Safeguards, the AEC Regulatory Staff, the applicant and its contractor were unanimous in concluding that there is reasonable assurance that the Oyster Creek plant can be constructed and operated without endangering the health and safety of the public. Applicant concurs with the AEC Regulatory Staff that the Board was in error in going beyond the Commission's regulations relating to the issuance of the provisional construction permit by requiring as conditions thereof the submittal to the Board of further information and data relating to design details of the plant.

Applicant wishes to make clear to the Commission that it is proceeding with the construction of the Oyster Creek plant under the provisional construction permit issued to it on December 15, 1964, pursuant to the Board's decision. The review sought by the AEC Regulatory Staff need not and should

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not be permitted to disturb the effectiveness of this permit. Detailed design work is proceeding in accordance with conservative architectural and engineering criteria contained in the license application and meeting the requirements of Part 50.35. Applicant and its contractor are confident that these design criteria are adequate to assure a safe plant, that the detailed design will completely meet all safety requirements for operation of the plant at its design power rating, and that, if required, a later submittal of design details to the Board would satisfy the conditions specified in the Board's Initial Decision and Order.

The conditions erroneously imposed upon the provisional construction permit are nevertheless onerous. Furthermore, applicant appreciates that the proceeding and the Board's Initial Decision and Order involve not only applicant's interest in the Oyster Creek project, but also the interest of the AEC Regulatory Staff and the Commission in the sound administration of the Commission's licensing program. As the petition for review and accompanying brief make clear, the Board's decision in this proceeding raises important questions as to whether conditions of the kind imposed by the Board with the resulting continuation of Board jurisdiction are either authorized under the Commission's regulations or are otherwise in the best interests of that program. Accordingly, applicant urges that the petition for review filed by the AEC Regulatory Staff be granted.

If the petition for review is granted by the Commission, applicant will upon the filing of a brief by the AEC Regulatory Staff file a reply brief in accordance with Section 2.762 of the Commission's Rules of Practice. General Electric Company, applicant's contractor for the design and construction of

the Oyster Creek plant, is also filing a statement of position requesting the Commission to grant the Regulatory Staff petition for review and to permit General Electric, if the petition for review is granted, to file a brief and participate otherwise as may be appropriate in the review proceedings. Applicant believes that such participation by General Electric would facilitate consideration by the Commission of the questions raised by the petition for review.

Respectfully submitted,

George F. Trowbridge
SHAW, PITTMAN, POTTS, TROWBRIDGE & MADDEN
Counsel for Applicant

Dated: December 31, 1964