

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 2/11/99

COMMISSIONERS:

SERVED 2/11/99

Shirley Ann Jackson, Chairman
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

Docket No. 50-289

In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR)
CORPORATION, et al.)
)
(Three Mile Island Nuclear Station, Unit 1))
)
_____)

CLI-99-02

MEMORANDUM AND ORDER

This proceeding involves a license transfer application involving the Three Mile Island Nuclear Station, Unit 1. The plant's operator (General Public Utilities Nuclear Corporation, or "GPU") and owners (Metropolitan Edison Company, Jersey Central Power & Light Company and Pennsylvania Electric Company) collectively seek the Commission's permission to transfer GPU's facility operating license to AmerGen Energy Company (AmerGen).

On January 11, 1999, Mr. Camille "Bud" George of the Pennsylvania State House of Representatives submitted a letter asking us to "ensure that a federal hearing is held" on this application and "to ensure that Pennsylvanians are not put at risk by this facility." On January 22nd, Mr. George's office informed the Commission's Office of the Secretary ("SECY") by telephone that Mr. George had intended his letter to be both an intervention petition and hearing request. SECY responded that Mr. George had not satisfied the regulatory provisions governing requests for intervention and hearing in a Subpart M license transfer proceeding. See 63 Fed. Reg. 66,721 (Dec. 3, 1998), to be codified at 10 C.F.R. Part 2, Subpart M. Immediately following the phone call, SECY mailed Mr. George's office a copy of Subpart M.

GPU and AmerGen, in their Answers opposing Mr. George's intervention, argued that the procedural failures specified above were fatal to his requests. Mr. George filed no Reply to those Answers but, on February 11th, submitted a second letter which he says "amend[s], clarif[ies] and [restate[s]]" the content of his first letter.⁽¹⁾ We agree with GPU and AmerGen that Mr. George has failed to satisfy the requirements set forth in Subpart M for intervention. Nothing in Mr. George's most recent correspondence convinces us otherwise. We therefore deny Mr. George's requests and dismiss this proceeding. The NRC staff, of course, will review the license transfer application to ensure that all regulatory requirements are met and that the public health and safety is protected.⁽²⁾

IT IS SO ORDERED.

For the Commission

[Original Signed by Annette L. Vietti-Cook]

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of February, 1999.

1. Mr. George's second letter does not purport to be a Reply pursuant to section 2.1307(b). However, even construing it as such, the filing would still fail as being untimely and failing to reply (or refer) to GPU's and AmerGen's Answers.

2. In our December 21st Federal Register Notice, we indicated that intervention petitions and hearing requests must be filed by January 11th, but that, as an alternative to requests for hearing and petitions to intervene, persons were also permitted to submit written comments to the Commission by January 20, 1999, regarding the license transfer application. The Commission has received one comment, postmarked January 15th, from H.E. Williams, Jr. We have referred this comment, as well as Mr. George's two letters, to the NRC staff for its consideration.