

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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COMMISSIONERS:

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Greta J. Dicus  
Nils J. Diaz  
Edward McGaffigan, Jr.  
Jeffrey S. Merrifield

CLERK OF THE COMMISSION  
JIM  
ADJUTANT

SERVED FEB 11 1999

In the Matter of )

GENERAL PUBLIC UTILITIES NUCLEAR )  
CORPORATION, et al. )

(Three Mile Island Nuclear Station, Unit 1) )

Docket No. 50-289

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 22<sup>nd</sup>, 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.

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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 11<sup>th</sup>, submitted a second letter which he says "amend[s], clarif[ies] and [restate[s]]" the content of his first letter.<sup>1</sup> 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.<sup>2</sup>

IT IS SO ORDERED.



For the Commission

A handwritten signature in cursive script, reading "Annette L. Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

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

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<sup>1</sup> 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.

<sup>2</sup> In our December 21<sup>st</sup> Federal Register Notice, we indicated that intervention petitions and hearing requests must be filed by January 11<sup>th</sup>, 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 15<sup>th</sup>, 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.

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(Three Mile Island Nuclear Station,  
Unit 1)

Docket No.(s) 50-289-LT

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM MEMO & ORDER (CLI-99-02) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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The Honorable  
Camille "Bud" George  
House of Representatives  
Commonwealth of Pennsylvania  
Room 38B Main Capitol Building  
House Box 202020  
Harrisburg, PA 17120

Dated at Rockville, Md. this  
11 day of February 1999

  
Office of the Secretary of the Commission