

September 12, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear Station,)
Unit No. 1))

Docket No. 50-289

LICENSEE'S ANSWER TO PETITION FOR
LEAVE TO INTERVENE BY
CHESAPEAKE ENERGY ALLIANCE, INC.



Metropolitan Edison Company (Licensee) hereby submits its answer to a Petition for Leave to Intervene filed by Chesapeake Energy Alliance, Inc. (Petitioner), dated September 3, 1979, and received by Licensee's counsel on September 5, 1979. In accordance with the Board's Memorandum and Order dated August 31, 1979, Licensee's answer is confined to the adequacy of the petition from the standpoint of Petitioner's showing of interest and identification of the aspect or aspects of the proceeding as to which intervention is sought.

Petitioner's interest in the proceeding is marginal but in Licensee's view adequate to support intervention. Petitioner alleges a danger to the life and health of its members in the event of a major accident at TMI. According to the petition Petitioner's members are concentrated in Baltimore, a distance of approximately 55 miles from Three Mile Island. This distance

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falls between the distances at which the Appeal Board has recognized or denied claims of a safety interest based on proximity to a nuclear power plant. Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-107, 6 AEC 188, 190 (1973) (petitioners residing 30 to 40 miles from reactor site not necessarily geographically outside the "zone of interests" protected by the Atomic Energy Act); Dairyland Power Cooperative (LaCross Boiling Water Reactor), ALAB-497, 8 NRC 312, 313 (1978) (petitioners residing 75 miles from reactor site lack interest sufficient to entitle them to intervene). However, the petition asserts that some of Petitioner's members, although not named,* live substantially closer to Three Mile Island. Further, Petitioner asserts a special interest in protection of life forms sustained by Chesapeake Bay and observes that the Susquehanna River, in which Three Mile Island is located, is the major tributary of the Bay.

Petitioner has not responded directly to the requirement contained both in the Commission's Order and Notice of Hearing dated August 9, 1979, and Section 2.714(a)(2) of the Commission's Rules of Practice that the petition set forth the specific aspect

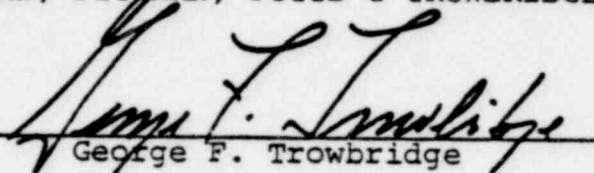
* The petition does not in fact name any individual member on the basis of whose interest intervention is sought. Counsel for Licensee has, however, been advised by Mr. Robert Q. Pollard, who signed the petition for Chesapeake Energy Alliance, that he is a member of that organization. Thus the petition discloses that there is at least one named member of Petitioner residing in Baltimore with a claimed interest in the proceeding who has implicitly authorized Petitioner to represent his interest in the proceeding.

or aspects of the proceeding as to which Petitioner wishes to intervene. The petition does, however, assert a position on one of the issues specified in the Order and Notice of Hearing, namely the management capability of Licensee. Applicant is satisfied to wait for the further definition of the aspects of the proceeding in which Petitioner wishes to participate which will result from the filing of Petitioner's contentions.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


George F. Trowbridge

Dated: September 12, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Answer to Petition for Leave to Intervene by Chesapeake Energy Alliance, Inc.," dated September 12, 1979, were served upon the following persons by deposit in the United States mail, postage prepaid, this 12th day of September, 1979.

Ivan W. Smith, Esquire
Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

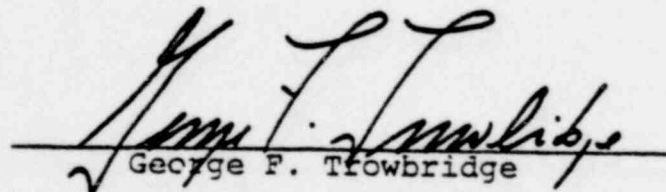
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Washington, D.C. 20555


George F. Trowbridge

Dated: September 12, 1979

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