UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
METROPOLITAN EDISON COMPANY, ET AL.,	)	Docket No. 50-289
	)	
(Three Mile Island Nuclear Station, Unit 1)	)	

APPLICANTS' RESPONSE TO COMMENTS
BY THE AEC REGULATORY STAFF REGARDING
REVISED CONTENTIONS OF INTERVENORS

1. By Order dated August 30, 1973, the Atomic Safety and Licensing Board in this proceeding ("Board") afforded the Regulatory Staff an opportunity to file comments on certain of Intervenors' Revised Contentions. In the same Order, the Board provided that other parties might file responses to the Staff's comments. Pursuant to that Order and in response to the Staff's Comments of September 7, 1973, particularly the last sentence on page 4 of those Comments, Applicants herein reiterate and amplify their oral argument[1/] at the August 28, 1973, Prehearing Conference in opposition to the "health costs" portion of Intervenors' Revised Contention 10.

1/ Tr. 179-81, 195.

2. In Revised Contention 10, Intervenors allege, inter alia, "that the NEPA review concerning cost/benefit analysis and alternatives is not complete in that . . . the health costs from low level radiation [have] not been included." It is Applicants' understanding based upon Intervenors' argument at the Prehearing Conference[2/] and various meetings among counsel for the parties "that Intervenors are not satisfied with environmental reports and environmental statements which estimate both individual and population doses for effluent releases,"[3/] and which then factor the estimated doses into the cost/benefit balancing process. Intervenors apparently contend that such documents for each individual licensing action, in addition to describing in detail the estimated doses directly related to such licensing action, should describe estimates of the somatic and genetics effects (and possibly assign a dollar value to such effects) which may result from the estimated doses and, thereafter, factor such dose effects into the cost/benefit balance.

3. Applicants agree in principle with Intervenors' statement that the subject of health costs "is a very, very important concern that requires analysis."[4/] Applicants, however,

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2/ Tr. 184.

3/ Tr. 179.

4/ Tr. 184.

do not agree with Intervenors that in order to consider adequately these important health costs due to radioactive releases from Three Mile Island, Unit 1, or any other individual facility, such costs must be stated in terms of estimated somatic and genetic effects which may be attributable to estimated doses, where such doses themselves are considered in detail. Moreover, an attempt in the documents related to each individual licensing proceeding to assign a dollar value to such dose effects could result, in Applicants' view, in quantifications "so speculative and non-objective as to be worse than useless."[5/]

4. The Staff has taken the position that the "health effects" have been taken into consideration.[6/] Applicants agree with this statement by the Staff since both Applicants' Environmental Report and the Staff Environmental Statement estimate and consider radiation doses. It is clear from every past and present licensing proceeding since Appendix D to Part 50 was issued[7/] that for purposes of individual licensing proceedings consideration of "health costs" due to radioactive releases stated in terms of doses to individuals and population groups has unquestionably been AEC's requirement of applicants for environmental reports as well as AEC's policy for its own environmental statements.

5/ Cf. Consumers Power Company (Midland Plant, Units 1 and 2 ALAB-123, RAI-73-5, pp. 331, 350-351 (May 18, 1973) (citation omitted).

6/ Tr. 183.

7/ 35 Fed. Reg. 5463 (1970).

5. This treatment of radiation doses is entirely consistent with past AEC rulemaking proceedings concerned with the establishment of generic guidelines for radioactive releases. Dose effects, for example, were taken into consideration when the Commission regulations were amended to include the express qualitative ALAP standard. Thus, in the Statement of Consideration which accompanied issuance of that qualitative standard the Commission stated in pertinent part:

> Since 1959 official guidance for control of exposures to radiation has been provided to Federal agencies through recommendations of the FRC, approved by the President. The FRC was established in 1959 by Executive order and by an amendment to the Atomic Energy Act of 1954 (42 U.S.C. 2021(h)). The FRC is directed to advise the President "* * * with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States." The basic recommendations of the FRC are generally consistent with those of the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiological Protection (ICRP). The FRC recommendations include a radiation protection guide for the genetic exposure of the entire population at a level not quite twice the average natural background radiation level and for a whole body exposure of individuals in the population at a level about five times the average natural background radiation. The guides are set well below the level at which detectable biological effects from exposure to radiation are expected to occur. The FRC states in Report No. 1 dated May 13, 1960, that the guides give appropriate consideration to

> the requirements of health protection and the beneficial uses of radiation and atomic energy. 35 Fed. Reg. 18385, 18386 (1970).

Applicants contend that since the health risks as somatic and genetic effects have been taken into consideration by the Commission in setting release and dose limits and guidelines in AEC rulemaking proceedings, the assessment of health costs as a function of dose estimates, without further express consideration of dose effects in terms of somatic and genetic effects, is entirely proper in individual licensing proceedings. Moreover, to question that practice in this proceeding constitutes, in essence, an attack on the adequacy of past AEC rulemaking proceedings in which the somatic and genetic effects were considered, as well as upon the regulations which resulted.

6. For the reasons set forth above in this Response and the reasons already advanced orally by Applicants at the August 28, 1973, Prehearing Conference, Applicants oppose consideration of the "health costs" portion of Intervenors' Revised Contention 10 as an issue in this proceeding. If the Board decides, however, to retain this contention as an issue in the hearing, Applicants request the Board clearly to define the scope of testimony permissible under this contention.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By Ernest L. Blake, Jr.
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Dated: September 14, 1973