

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND :  
LICENSING BOARD :  
Ivan W. Smith, Esquire, :  
Chairman :  
Dr. Walter H. Jordan, Member :  
Dr. Linda W. Little, Member :  
: Docket No. 50-289  
In the Matter of: :  
METROPOLITAN EDISON COMPANY :  
(Three Mile Island Nuclear :  
Station, Unit No. 1 :

ANTI-NUCLEAR GROUP  
REPRESENTING YORK (A.N.G.R.Y.) MOTION  
FOR CERTIFICATION TO THE COMMISSION OF  
ISSUES REGARDING INTERVENOR COMPENSATION,  
CLARIFICATION OF MATTERS TO BE CONSIDERED,  
AND FOR RELIEF FROM  
REQUIREMENTS OF 10 CFR 2.708(d)

Intervenor Compensation:

In its August 9 Order, the NRC indicated that it intended on certification from the Atomic Safety and Licensing Board to consider the issue of "Whether it can and should grant financial assistance to parties seeking to raise these issues (psychological distress) in this case." (44 F.R. 47824). A.N.G.R.Y. requests the ASLB to certify to the NRC the question of the appropriateness of financial

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assistance to all intervenors regardless of the issues they may seek to raise. ". . .it would be unrealistic to expect public interest litigants to underwrite the expense of mounting the kind of preparation and presentation of evidence that is ordinarily required in this type of case." York Committee for a Safe Environment v. NRC, 527 F. 2d 812, 816 (D.C. Cir. 1975).

Power of ASLB to Issue Initial Decision  
Revoking TMI-1 Operating License:

On August 7, 1979, A.N.G.R.Y. submitted a petition for rulemaking to the NRC requesting that the ASLB conducting the TMI-1 restart hearings consider whether the evidence before it satisfied the criteria in the Atomic Energy Act and the NRC's regulations (10 CFR 50.100) for revocation of the licensee's Operating License, and if so, whether such action would be in the public interest. A true and accurate copy of said Petition is attached hereto, incorporated herein and marked Exhibit "A".

On September 21, 1979, the NRC replied that A.N.G.R.Y.'s Petition "failed" in some unspecified respect "to meet the requirements for a Petition for rulemaking" and suggested that A.N.G.R.Y. "address your concerns" to the ASLB. A true and accurate copy of said letter is attached

hereto, incorporated herein and marked Exhibit "B". In its August 9 Order the NRC alludes obliquely to this matter when it declares its intention to "determine whether any further operation will be permitted. . ." (44 F.R. 47821). However, the rest of the Order is totally silent as to this issue and neither the ASLB nor parties are given any guidance as to how to address themselves to it. A.N.G.R.Y. therefore feels additional clarification is needed as to the precise scope of the ASLB's decisional authority in regard to the status of the licensee's TMI-1 Operating License.

Exemption from Compliance with 10 CFR 2.708(d):

Notwithstanding the outcome of the first section of this motion, A.N.G.R.Y. requests that it be exempted from the numerical filing requirement of 10 CFR 2.708(d) which given its sporadic and meager sources of income, it finds to be unduly burdensome.

WHEREFORE, Anti-Nuclear Group Representing York (A.N.G.R.Y.) requests that:

(1) The ASLB issue an Order stating that it will consider whether the evidence before it satisfies the criteria in the Atomic Energy Act and NRC regulations to revoke the licensee's Operating License, and whether such action will be in the public interest; and

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(2) A compulsive and explicit Order defining the parameters of the present proceedings; and

(3) The ASLB issue an Order exempting A.N.G.R.Y. from the numerical filing requirements of 10 CFR 2.708(d);

(4) The ASLB issue an Order or certify to the NRC that A.N.G.R.Y. be granted financial assistance in pursuing its intervention herein.

Dated: October 5, 1979  
York, Pennsylvania

By:

Holly S. Keck  
Holly S. Keck  
Legislation Chairman  
A.N.G.R.Y.  
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York, Pennsylvania 17404