

DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSIONOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

METROPOLITAN EDISON COMPANY)

Docket No. 50-289

(Three Mile Island Nuclear
Station, Unit No. 1))

(Restart)

MOTION FOR LEAVE OF THE WASHINGTON
LEGAL FOUNDATION TO FILE THE ATTACHED
MOTION TO DISQUALIFY COMMISSIONER
VICTOR GILINSKY FROM FURTHER PARTI-
CIPATION IN THE ABOVE-CAPTIONED
PROCEEDING

Pursuant to 5 U.S.C. Section 556(b) and 10 C.F.R. Sections 2.714-15, the Washington Legal Foundation ("WLF" or "Foundation") moves to intervene in the above-captioned proceeding or to make a limited appearance for the purposes of filing the attached motion and supporting memorandum and exhibits to disqualify Commissioner Victor Gilinsky from further participation in the above-captioned proceeding. WLF also requests leave to participate in any follow-up proceedings related to this issue of disqualification and to receive any further motions, orders or decisions in this case.

The grounds for this request, which are more fully set forth in the attached pleadings, are that Commissioner Gilinsky has engaged in conduct that conclusively demonstrates that he has (1) actually prejudged the issues in the proceeding; (2) given the appearance that he has prejudged the issues; and (3) has exhibited bias or personal animosity toward the

WASHINGTON LEGAL FOUNDATION

1612 K STREET, N. W.

SUITE 502

WASHINGTON, D. C. 20006

202-857-0240

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parties and assumed a role of an advocate such that he has an emotional commitment to one side of the issue which precludes him from acting as an impartial or neutral decision-maker.

The primary basis justifying Commissioner Gilinsky's disqualification is his publication on or about June 22, 1983 of a Memorandum describing his premature views and conclusions on the instant proceeding which is pending before the Commission and the Atomic Safety and Licensing Appeal Board.

This motion is timely filed inasmuch as the Commission has not rendered a final decision on the issues involved in this proceeding and because the conduct complained of that forms the basis of the motion to disqualify did not occur until recently.

The Washington Legal Foundation is a non-profit, public interest law firm with over 85,000 members nationwide, including Pennsylvania and the Three Mile Island area, that engages in litigation and the administrative process in matters affecting the broad public interest. The Foundation commits a substantial portion of its resources to regulatory matters in which it attempts to reduce regulatory excess, increase regulatory efficiency, and insure the integrity of the administrative process.

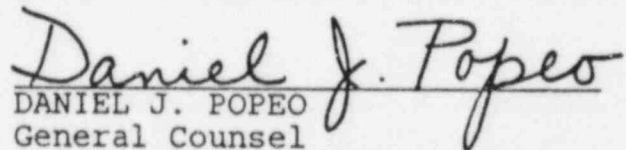
WLF and its members are particularly interested in the development of economical energy resources, including nuclear, both for our own and our members' use as well as for other users which has the overall effect of strengthening our economy and increasing our standard of living. The Foundation

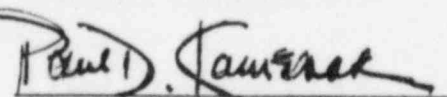
has filed comments with the Commission in past rulemaking proceedings regarding the regulations of various aspects of the nuclear industry.

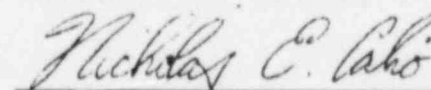
While we have presumed that the Commission would resolve the issues involved in this restart proceeding in an orderly and proper manner, that presumption has been recently rebutted by the precipitous and prejudicial conduct of Commissioner Gilinsky. His continued participation in this proceeding has the effect or appearance of destroying the integrity of the entire administrative process to the ultimate detriment of the interests of WLF, its members, and the general public.

Accordingly, WLF requests that this motion be granted. If, for whatever reason, this motion is either denied or not acted upon, we nevertheless request that the Commission consider and act on the serious charges against Commissioner Gilinsky described in our attached memorandum.

Respectfully submitted,


DANIEL J. POPEO
General Counsel


PAUL D. KAMENAR
Director of Litigation


NICHOLAS E. CALIO
Litigation Counsel

WASHINGTON LEGAL FOUNDATION
1612 K Street, N.W., Suite 502
Washington, D.C. 20006
(202) 857-0240