

Union of
**CONCERNED
SCIENTISTS**

DOCKETED
'83 JAN 12 A11:01

OFFICE OF PUBLIC
DOCKETING & SERVICE
BRANCH

January 11, 1983

Nunzio Palladino, Chairman
John Ahearne, Commissioner
James Asselstine, Commissioner
Victor Gilinsky, Commissioner
Thomas Roberts, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Three Mile Island Unit 1, Docket No. 50-289 (Restart)

Gentlemen:

UCS is astonished by the letter sent by Counsel for GPU to the Commissioners on January 4, 1983. GPU urges the Commission to make the Licensing Board's decision immediately effective, thereby lifting the NRC's 1979 orders requiring TMI-1 to remain shutdown, despite the fact that the Licensing Board's decision has been invalidated in important respects by the Appeal Board. The sole grounds offered in support of this extraordinary plea is, in effect, that some other unidentified plants with safety deficiencies as serious as TMI-1 may be operating. This is, of course, an assertion which has yet to be proven. However, the record is clear, as the Appeal Board has found, that the evidence does not support a conclusion that TMI Unit 1 can withstand an accident of the type that occurred in Unit 2.

The inescapable conclusion of GPU's logic is that if one other plant could be found with equally serious safety problems, TMI-1 should be permitted to restart. It is unthinkable that NRC would seriously consider adopting a policy which would either explicitly or implicitly permit the tolerable level of risk to the public to be dictated by the

8301130060 830111
PDR ADOCK 05000289
G PDR

DS03