

448.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of )  
METROPOLITAN EDISON COMPANY )  
(Three Mile Island Nuclear )  
Station, Unit 1) )

DOCKETED  
USNRC  
'84 JUN -4 12:20  
Docket No. 50-289

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

TMIA MOTION FOR EXTENTION OF TIME

On May 24, 1984, the Appeal Board determined that after months of hearings examining the capability of Licensee to safely operate a nuclear reactor, and vast opportunities by the company to prove it was competent, the record in this case can not support a finding that this company has yet the capability to safely operate a nuclear reactor.

ALAB-772 This decision came one day after OI announced it was referring yet another issue concerning wrongdoing by post-accident management to the U.S. Justice Department for investigation. Clearly, this seems to have created a thorny predicament for a Commission majority which has its heart set on a summer TMI-1 restart.

Thus, in a June 1 Order, the Commission majority has ordered the parties to suddenly drop all else and comment, by June 15, "whether, in view of ALAB-772 and all other relevant information, including investigative reports by the Office of Investigations, the management concerns which led to making the 1979 shutdown orders immediately effective have been sufficiently resolved so that the Commission should lift the immediate effectiveness of those orders prior to completion of review of any appeals from ALAB-772."

DS03

Implicit in this directive is the fundamental assumption that the decision can be ignored and the plant can proceed to operate. Without discussing the merits of this approach at this time, it is important for the Commission to realize that this is an extraordinarily burdensome request. Basically, we as intervenors are being asked not only to discuss all substantive arguments in defense of the Appeal Board decision, as normally would be required in a responsive brief to an appeal (which itself is unreasonable to expect in two weeks). But implicit in the Commission's order is the expectation that all conceivable information which could bear on Licensee's management will be discussed. That is five years worth of work, plus brand new evidence in the OI reports consisting of volumes and volumes of exhibits,<sup>1/</sup> and thousands of pages of previously unreleased Commission closed meeting transcripts which TMIA has just received. It is not humanly possible to assimilate and compile this material into coherent comments in less than two weeks <sup>2/</sup>.

As parties to this proceeding, we have struggled against enormous odds in terms of our own resources and expertise to perform an important role in this process, within the Commission's rules. We and the other intervenors in this case have made an important contribution to this process -- though we sense one which a Commission majority may

---

<sup>1/</sup> So far, within the last month, the parties have been inundated with OI reports and exhibits which have taken OI months and months to complete. Careful reading of even one of these reports takes days. Further, as to the most recent report released, dealing with harassment of and discrimination against clean up workers, the exhibits have not yet even been released to the parties. It has taken OI over a week just to read through the documents for a privacy review.

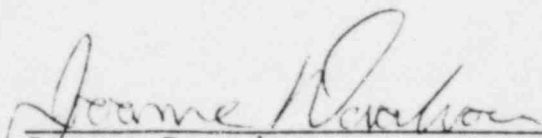
<sup>2/</sup> TMIA was served with this order today.

not particularly appreciate. But this order is a wicked response not only to us, but to the lives and well-being of residents in the Harrisburg area whom we represent -- a public which not only is incensed by the irresponsibility of the Commission, but which is starting to panic in fear of what appears to be reckless decision making by a crazed agency.

It is amazing that in light of the embarrassment caused by the recent, much publicized episode regarding expedited "Shoreham hearings" resulting in among other things an unprecedented D.C. District Court decision sharply criticizing Commission action as violative of the intervenors due process rights, the Commission still demonstrates such fundamental disregard for the fairness of its process. As one representative of this intervening group who has already once become seriously ill due to the exhaustion of keeping up with this case, the undersigned is not prepared to kill herself to meet yet another unreasonable schedule by the Commission.

Thus, TMIA requests a one month time extension, until July 16, to attempt to comply with this order, with the further understanding that more time will be granted if it appears necessary closer in time to July 15.

Respectfully submitted,

  
Joanne Doroshow  
Three Mile Island Alert, Inc.

June 4, 1984

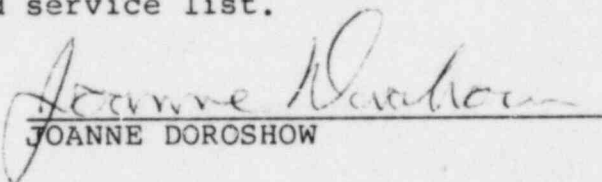
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

~~BEFORE THE ATOMIC SAFETY AND LICENSING BOARD~~  
*Commission*

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached TMIA MOTION  
FOR EXTENSION OF TIME dated June 4, 1984, were served this  
4 June 1984, by deposit in the U.S. Mail, first class,  
postage prepaid, or, hand delivered where possible on April  
23rd to those on the attached service list.

  
\_\_\_\_\_  
JOANNE DOROSHOW

SERVICE LIST

Chairman Palladino  
U.S. N.R.C.  
Washington, D.C. 20555

Commissioner Bernthal  
U.S. N.R.C.  
Washington, D.C. 20555

Commissioner Asselstine  
U.S. N.R.C.  
Washington, D.C. 20555

Judge Gary Edles, ASLAB  
U.S. N.R.C.  
Washington, D.C. 20555

Judge John H. Buck, ASLAB  
U.S. N.R.C.  
Washington, D.C. 20555

Ivan W. Smith, Esq., ASLB  
U.S. N.R.C.  
Washington, D.C. 20555

Commissioner Gilinsky  
U.S. N.R.C.  
Washington, D.C. 20555

Commissioner Roberts  
U.S. N.R.C.  
Washington, D.C. 20555

Judge Christine Kohl, ASLAB  
U.S. N.R.C.  
Washington, D.C. 20555

Sheldon Wolfe, Esq.  
U.S. N.R.C.  
Washington, D.C. 20515

Gustave A. Linenberger, Jr.  
U.S. N.R.C.  
Washington, D.C. 20555

Michael McBride  
LeBoeuf, Lamb, Leiby & MacRae  
1333 New Hampshire Ave. N.W.  
Washington, D.C. 20036

George F. Trowbridge, Esq.  
Shaw, Pittman, Potts & Trowbridge  
1800 M St. N.W.  
Washington, D.C. 20036

Docketing and Service  
U.S. N.R.C.  
Washington, D.C. 20555

Gail Phelps  
PIRC  
1037 Maclay St.  
Harrisburg, PA 17102

Bob Pollard  
Dupont Circle Building  
Connecticut Ave.  
Washington, D.C. 20036

Jack Goldberg  
Office of Executive Legal Director  
U.S. N.R.C.  
Washington, D.C. 20555

Ms. Marjorie Aamodt  
R.D. 5  
Coatesville, PA 19320

Maxine Woefling  
Depart. of Environ. Resources  
514 Executive House, P.O. Box 2357  
Harrisburg, PA 17120

Ellyn Weiss, Esq.  
Harmon & Weiss  
1725 Eye St. N.W., Suite 506  
Washington, D.C. 20006