

THREE MILE ISLAND

ALERT

December
1985

315 Peffer Street; Harrisburg, PA 17102

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THIRTEEN CONVICTED IN RESTART PROTEST

Eric Epstein

On October 2, 1985, by an 8-1 vote, the U.S. Supreme Court denied TMI Alert's request to stay the restart of Three Mile Island Unit 1. Later in the day the Governor refused to intervene, instead he opted to support GPU "in order to ensure the safe operation and production of nuclear power at TMI." With all other avenues exhausted, approximately 50 protesters braved the cold and rain, five hours after the Supreme Court vote was announced, to gather across from the TMI north gate. Sixteen people crossed the road to stand in front of the closed gate and eventually were arrested for "obstructing a public utility right of way," a summary offense.

These protesters have decided to utilize the justification defense whereby: an actor is legally permitted to break the law if the harm he/she is trying to prevent is greater than the harm he/she creates. Obviously, blocking the entrance to the north gate at TMI is substantially less of a risk/danger to the public than the generation of nuclear power by a convicted felon (GPU was convicted in Federal Court of leak-rate falsification at TMI Unit 2).

Further given the degraded condition of the steam tubes/steam generators at Unit 1, restart posed, and poses, an immediate threat to the health and safety of surrounding communities. Yet, given the fact that all other legal avenues were closed and that the danger was clear and imminent, those who have appeared for their individual hearings (13) at the District Justice office in Middletown have been found guilty, given the way the court system has handled the restart case and previous arrests it is unclear if any of the protesters will appeal. (Note: Three of the 76 people arrested on May 29, 1985, the day the NRC voted to restart Unit 1, have dropped their appeals in Dauphin County Court. None are appealing.)

Those arrested October 2, 1985: Eric Epstein, Kay Pickering, John Robinson, Gene Stimp, Dan Welliver, Steve Oliphant, Roxanne Harpster, Josh Hooper, Tony Eisman, Barbara Schultz, Julie Hoskins, Joyce Corradi, Betty Chevey, Linda Braasch, Wendy Smith, and Cherie Friedrich. Although the District Justice found the protesters guilty as charged, he did not impose a fine. They will each pay \$25.00 for costs incurred by the court.

DOWNRIVER FOLKS OPPOSE WATER DUMPING

GPU has not yet addressed how it intends to dispose of 860,000 gallons of decontaminated, but slightly radioactive, water now stored on the island. The NRC has already said the water could not be permanently stored on site and Lancaster County Congressman Robert Walker believes an amendment he attached to an Energy Department appropriation bill in 1981 "effectively stops anyone from dumping that water, ever" into the Susquehanna River. GPU, though they would prefer to dump it, won't be making a proposal until next year and nothing is expected to happen with the water until 1987.

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