

# THREE MILE ISLAND

# ALERT

December  
1985

315 Peffer Street; Harrisburg, PA 17102

TELEPHONE: 717-233-3072

## 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 Stilp, 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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Harrisburg, PA 17102

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OPEN

IMMEDIATELY

This committee has met twice to discuss the kind of monitoring that now exists. Our next meeting will be December 4 at 4:45 p.m. at the EPA office in Middletown with Dr. Bill Kirk. The following work is being done:

Cherie Friedrich will be checking the Reuter-Stokes print-outs at the Dauphin County Emergency Management Office on a regular basis. Joanne Doroshov is writing grant proposals for a radiation monitoring workshop and to support the work of this committee. Debbie Davenport, Urban Nissel and Ray Martin are checking different sources who produce radiation monitoring equipment.

There is a lot of work to be done by this committee and we must have direction when Bernd Franke's report is released in the early spring so we can effectively lobby for needed change. Join us by phoning Cherie Friedrich (238-6980) or Kay Pickering (233-7897).

**PIRC PHONELESS, BUT NOT HOMELESS**

The office belongings that furnished and filled the shelves at the TMI Public Interest Resource Center are now housed at TMIA, 315 Peffer Street, Harrisburg. PIRC's phone line (233-4241), however, has been disconnected and TMIA will now serve the resource function to the media, students, writers and interested citizens. TMIA can be reached at (717)233-7897.

**COURT ASKED TO REVOKE GPU LICENSES**

The 3rd U.S. Circuit Court of Appeals in Philadelphia has been asked to strip GPU Nuclear of licenses to operate TMI and the Oyster Creek nuclear power plants. The suit, filed by TMIA, New Jersey SANE, state Sen. John Shumaker, state Rep. Peter Wambach, and Dauphin County Commissioner Lawrence Hochendoner, argues that the license should be revoked as the company lacks the requisite character for operating the plants. This is the same court that revoked an emergency request to revoke the licenses while the NRC was considering the TMI restart.

**HOUSE MEETING UPDATE**

by Cherie Friedrich

Four house meetings were held this fall. the first one on the day after restart. Our emphasis has changed from a concentrated effort to raise funds to informational update and membership drive. We are showing our excellent 20 minute video tape with a verbal presentation.

We still do need funds for our legal efforts though, and any contributions are greatly appreciated. If you would like to host an informational house meeting (an attendance of ten to twenty persons is desirable) please call Cherie Friedrich at 238-6980 or Kay Pickering at the TMIA office at 233-7897.

Our thanks to Greg Harbaugh and Sandra Choma, Sandy Prince-Embury, Marian Kreiger, Carol Nechemias, Clemme Gilpan and Jim Rooney, Jack and Betty Spooner and Rev. Mark Foucart, Sharon O'Brien and Suzanne MacDougal for hosting events during October and November.

**CALENDAR**

- December 4 TMIA MONITORING COMMITTEE meets at 4:45 p.m. with Dr. Bill Kirk at EPA Middletown Office, 100 Brown Street, Downtown Mall, Middletown.
- December 8 TOWN MEETING sponsored by TMI Citizens for Justices, 2:00 p.m., Our Lady of the Blessed Sacrament, 3rd & Woodbine Sts., Harrisburg. For more information: Linda Braasch, 939-4905.
- December 12 TMI ADVISORY PANEL, 7:00 p.m. at the Holiday Inn, 2nd and Chestnut Sts., Harrisburg. Persons wishing to speak should contact Tom Smithgall at 1-291-1042. TMI health concerns will be addressed.
- December 27 TMIA HOLIDAY PARTY, 9:00 p.m. at the Civic Club, Front and North Sts., Harrisburg. Featuring Night Owl, with special appearance by Santa. Beer and holiday snacks, raffle for basket of cheer, \$5.00 at door or at TMIA office, 233-3072.

**HAPPY HOLIDAYS TO EVERYONE!**

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

Intervention Fund Contribution: \_\_\_\_\_ \$10 \_\_\_\_\_ \$20 \_\_\_\_\_ \$50 \_\_\_\_\_ \$100 \_\_\_\_\_  
(Checks in the amount of \$50 or more can be made payable to the TMI Legal Fund for tax deductible purposes.)

Membership: \_\_\_\_\_ \$15 Regular Membership \_\_\_\_\_ \$50 Sustaining Member  
 \_\_\_\_\_ \$25 Non-profit Organization \_\_\_\_\_ \$100 Patron  
 \_\_\_\_\_ \$ 5 Low income, Student \_\_\_\_\_ \$200 Club Member  
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PLEASE COMPLETE & RETURN TO: TMIA, 315 Peffer St., Hbg., Pa., 17102