

THREE MILE ISLAND

ALERT

January
February
1986

315 Peffer Street; Harrisburg, PA 17102

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Shockwaves of Diablo Canyon Rate Decision May Reach Pennsylvania

by Eric Epstein

In 1985 the Nuclear Regulatory Commission allowed the nation's two most controversial nuclear power plants to go on line--Three Mile Island and Diablo Canyon. Diablo Canyon, at \$6 billion, is California's most expensive and most controversial plant due to its close proximity (2 miles) to the Hosgri earthquake fault.

I recently visited California and met with the Abalone Alliance, a broadbased anti-nuclear network located in San Francisco; and the Mothers for Peace, the primary interveners and the longest foe of Diablo. The Mothers for Peace, who live within the shadows of the plant, are continuing to pursue litigation concerning the safety of the plant. The Alliance, with the help of the consumer group TURN and the staff of the California Public Utility Commission are embroiled in a rate case with Pacific Gas & Electric (PGE), owners-operators of Diablo Canyon.

At issue is whether the stockholders or ratepayers are responsible for PGE's mistakes. If the CPUC finds PGE's stockholders responsible, then the utility would have to write off over \$3 billion! The focus of the case is when did PGE know of the earthquake fault and its severity. PGE insists that they didn't know of the fault until 1972, and they didn't understand the seriousness of the fault until 1976 when Unit 1 was near completion. Therefore, PGE maintains they shouldn't be saddled with paying the billions of dollars of seismic modifications that occurred after 1976. However, the Abalone Alliance, TURN, and CPUC staff have transcripts and records that clearly indicate that PGE knew that the plant was situated on an active earthquake fault in 1976, but kept the information secret. PGE attorneys have responded by asking the administrative law judge to strike all this information from the record.

PGE has also asked for rate relief to avert a "financial emergency" despite the fact that their 1984 report boasted their best earnings in 15 years. Last year, PGE spent \$150 million to take over Pacific Gas & Transmission Company, which supplies PGE with some of their natural gas. PGE attorney's have asked that all independent records concerning PGE's financial status also be struck from the record.

This case could have a direct impact on the way rates are established in Pennsylvania and nationwide if the CPUC accepts the concept of value-based pricing. Value-based pricing would, according to the *San Francisco Bay Guardian*, "base consumer payments for Diablo Canyon on the actual value of the plant's electricity rather than its construction cost. In other words, the Diablo electricity would be sold at 'market rates' regardless of whether those rates were high enough to give the company's stockholders a reasonable return on their huge investment."

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LEGAL UPDATE

by Joanne Doroshow

Court Litigation - Briefs have been filed in the case currently before the U.S. Court of Appeals in Philadelphia seeking revocation of GPUN's license to operate TMI and the company's New Jersey reactor, Oyster Creek. The case was brought last year by TMIA, Sen. John Shumaker, Rep. Pete Wambach, Dauphin County Commissioner Larry Hochendoner, and two New Jersey groups. Oral arguments should be scheduled soon and a decision may come this spring.

Meanwhile, Marjorie and Norman Aamodt have filed petitions asking the U.S. Supreme Court to hear their appeal to the TMI-1 restart decision. On October 3, 1985, the full Supreme Court overturned Justice Brennan's prior ruling granting TMIA's request to stop restart until such petitions could be filed. The full court rejected arguments by TMIA, Governor Thornburgh, USC and the Aamodts. No other party has requested further Supreme Court review.

NRC Litigation - TMIA has filed a request for full public hearings on proposed changes to GPUN's license, which would allow certain cracked steam generator tubes to remain in service at TMI-1. TMIA has argued that this change would present a significant safety hazard. An NRC licensing board has been set up to decide whether, and on what basis, a hearing will be allowed.

The hearing process has begun to determine whether former TMI-1 training instructor Charles Husted is fit to hold a safety-related post at TMI-1. Husted was implicated in cheating, and was found by the NRC's Appeal Board to have a poor attitude and to have been generally uncooperative with the NRC. Louise Bradford is representing TMIA in this proceeding.

The NRC has also set up a "legislative-type" hearing process to examine the role of certain operators in pre-accident leak rate falsification. The Commissioners have expressly prohibited any examination of management's role in the falsification scheme, as well as any cross-examination or prehearing discovery in the case. Commissioners Asselstine and Bernthal strongly dissented from the restrictions imposed by the Commission majority in structuring this hearing's process.

TMIA and other parties have also provided comments to the Commission strenuously objecting to the proposed return of former GPUN president Robert C. Arnold, and his assistant, Ed Wallace, to positions at TMI-1. In their restart order, the Commissioners prohibited these two individuals, implicated in a great deal of wrongdoing and misconduct at TMI, from holding positions connected with TMI-1. Arnold and Wallace recently asked the NRC to change its mind and the Commission is apparently considering doing so.

LET'S LEGISLATE FOR SAFE ENERGY

by Vera Stuchinski

The Public Citizen's Critical Mass Energy Project, a research and advocacy organization, is working with consumer groups to develop legislation designed to force public utilities to use safe, reliable and affordable energy resources. The need for reform is clear. The PUC is not only unable to prevent unwise utility investments, it is unwilling to cancel plants or deny rate relief once large investments have already been made, as with Limerick II. Pennsylvania's current regulatory structure does not offer any incentive to utilities to prevent massive rate increases, build excess capacity, plant cost overruns, or use environmentally dangerous resources.

The Project's goal is to get every state to pass legislation (as a few have done) requiring utilities to adhere to a least-cost energy policy. This means that utilities would have to submit periodic plans to the PUC documenting how they will meet electrical demand at the lowest possible cost to the public.

These plans would include:

- o a forecast of future demand;
- o an assesment of supply and demand options;
- o use of the least expensive sources of electricity, particularly conservation; and
- o an implementation plan.

Proposed utility plans would then be subject to evaluation at public hearings. The PUC would have the authority to deny construction permits for any plant that does not have an acceptable least-cost plan.

Since utilities have shown themselves unwilling to shift their focus from that of solely selling electricity (regardless of the cost to the consumer and the environment) to the broader role of providing sensible electrical services, it is time to legislate for change. Least-cost regulations could put a stop to the building of outrageously expensive and unnecessary power plants and force utilities to use cost-effective and safer alternatives at existing plants. A few of these alternatives are:

- o conservation;
- o conversion to coal;
- o use of solar, wind and geothermal power; and
- o cogeneration (use of waste heat from industrial processes).

Let your elected officials know how you feel about the need for reform of the PUC and legislation creating a least-cost energy policy for utilities in Pennsylvania.

RADIOLOGICAL MONITORING COMMITTEE ACTIVE

by Cherie Friedrich

The Radiological Monitoring Committee last met on January 11 at the Friends Meeting House in Harrisburg. Reports from several people included: information on personal monitoring equipment, a description of funding proposals to enable the work of this committee to expand, concerns for Unit 2 cleanup and meetings various committee members had with public officials.

Several committee members met with Dr. Kirk of the EPA in Middletown. Their monitoring system was explained to us. They are presently the only agency testing for tritium in water and their contract expires with core removal in 1987 or 1988. Dr. Kirk's assistant, Tom Wooley, offered to be a resource person for us and has been very helpful.

Cherie Friedrich checks the Reuter-Stokes monitoring system printouts that GPU feeds into Dauphin County Emergency Management once per week. She checks the last sample printout, the number of operating instruments, if any alarm levels were reached and that there is a recording for each hour, and follows up on exceptions--and there have been exceptions in all of the above categories.

The focus of committee activity will be the upcoming workshop which may lay the groundwork for our own alternative monitoring system (see below). The next committee meeting will be Saturday, February 22, 2 p.m. at the Friends Meeting House.

DOSE MEASUREMENT WORKSHOP SLATED FOR APRIL 4 & 5

by Cherie Friedrich

Radiation Doses: How do we measure them and protect ourselves? This is the theme of a workshop to be held April 4 and 5 in the Harrisburg area.

Living together with an operating nuclear power plant with faulty steam tubes and other foibles and the defueling of dangerous radioactive wastes of the Unit 2 accident at Three Mile Island, has prompted the Radiation Monitoring Committee to organize this event. Sharing their findings and information with us will be Bernd Franke, of the IFEU Institute in Heidelberg; Kitty Tucker of the Health and Energy Institute in Washington, D.C.; possibly one or two other persons prominent in this field; and a representative of a citizens monitoring network of another nuclear facility.

Mr. Franke will fully explain his recommendations for an improved monitoring system. When he spoke to TMIA on November 20, he was under an obligation to the TMI Public Health Fund not be explicit in his remarks. Kitty Tucker works with the National Committee for Radiation Victims and is well versed in the effects of all levels of radiation exposure. During the weekend, a reception honoring our speakers and local politicians who have given us valuable assistance will be held.

Please keep April 4 and 5 open for these events. If you can help with either the workshop or reception, please let us know. The cost for these events is dependent on funding through several grant proposals. This information is important to all of us.

7TH ANNIVERSARY EVENTS SCHEDULED - TMIA will host an in-depth press conference at the Capitol Rotunda at 10 a.m. on March 28. The press conference will focus on the performance of GPU since the restart and the status of cleanup. Participants will be announced later.

A number of area residents have expressed interest in a vigil and balloon release event to take place around 7 o'clock on the morning of March 28. If you would like to contribute some time and help to plan this event, please call the TMIA office (233-7897). This will be the extent of planned activities as Easter weekend coincides with the TMI accident commemoration.

CALENDAR CALENDAR CALENDAR CALENDAR CALENDAR CALENDAR CALENDAR CALENDAR

February 10, Monday--TMIA Planning Council meets 7:30 p.m. at Harrisburg Friends Meeting House. Members welcome.

February 12, Wednesday--Advisory Panel on the Decontamination of Unit 2 meets from 7 to 10 p.m. at the Holiday Inn, 23 South 2nd Street, Harrisburg. The public is invited.

February 22, Saturday--Radiation Monitoring Committee meets at 2 p.m., Harrisburg Friends Meeting House, 6th & Herr Streets.

"Problems Experienced During Unit 1 Start-Up," a three-page chronology of happenings at the plant during the start-up is available from the TMIA office. This material was lifted from GPU's official logs and may spur renewed interest in Murphy's Law.

"Three Mile Island, Accident without an end," a series of articles which appeared in the Philadelphia Inquirer last year is also available from the TMIA office.

Office hours are 9 a.m to 5 p.m. weekdays. Feel free to contact the TMIA office for materials, information or if there are questions. 233-3072.

TMIA Planning Council Members are: Vera Stuchinski, Chairperson - 238-0441; Lauren Taylor, Recorder; Betsy Robinson, Treasurer - 233-0828; Kay Pickering, Office Coordinator - 232-1326; Joel Roth - 362-9347; Marcy Winters - 789-3544; and Dan Welliverd - 234-5454. TMI Alert's Media Coordinator is Eric Epstein.

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10:30 AM - PRESS CONFERENCE - CAPITOL ROTUNDA

12:00 NOON - PUBLIC GATHERING - CAPITOL STEPS

• SPEAKERS •

- BOB POLLARD - UNION OF CONCERNED SCIENTISTS
- BERND FRANKE - INST. FOR ENERGY-ENVIRONMENTAL RESEARCH
- JOANNE DOBOSHOW - TMIA

... PUBLIC SPEAKOUT ...

FOR MORE INFO... TMIA - 315 PEPPER ST
233-7897

