

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )

METROPOLITAN EDISON )  
COMPANY, et al., )

(Three Mile Island )  
Nuclear Station, Unit )  
No. 1) )

Docket No. 50-289  
(Restart)

PEOPLE AGAINST NUCLEAR ENERGY REQUEST FOR  
EXPEDITED DECISION ON REQUEST FOR FINANCIAL  
ASSISTANCE

People Against Nuclear Energy (PANE) respectfully requests the Licensing Board to expedite its consideration of PANE's Request for Financial Assistance to Support Intervention on Issues of Psychological Distress. Assuming that the Board will make a recommendation that must be referred to the Commission for final action, PANE also requests the Board to urge the Commission to reach a decision and provide the funding which PANE seeks as quickly as possible.

PANE submitted its Request for Financial Assistance on November 29, 1979, at which point it had already participated extensively in this proceeding and had provided the most substantial Intervenor argument on the issues of psychological distress. As PANE explained in its filing, it had also begun to prepare its case and, after an extensive search, had

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obtained assistance from leading authorities in the field of psychological distress.

As of November 29, PANE had incurred substantial legal fees and other expenses, and it had undertaken an extensive effort to raise money to support its intervention. In its request for financial assistance, therefore, PANE was able to report to the Board that it had raised \$1,100 from a private foundation and that it was seeking funds from other sources. At the same time, however, PANE explained that private funding was extremely difficult to obtain, and it predicted that

PANE will be able to provide the information and expert opinion that the Commission needs only if the Commission grants the requested financial assistance.

PANE Request for Financial Assistance at 2.

Unfortunately, PANE's prediction was accurate. Despite redoubled efforts in the private funding arena, PANE has been able to obtain only an additional \$1,000. The total does not come close to covering PANE's legal expenses to date, and there is no apparent likelihood of funding from any other source in the next several months. We have now reached the point where it is absolutely clear that

PANE cannot continue effective participation and cannot present [its] experts without funding from the NRC.


PANE Request at 7.

In order to minimize its costs, PANE requested clarification from the Board to assure that discovery on psychological distress issues would not begin at least until after the Board had recommended that the issues be heard. In its Second Special Prehearing Conference Order, dated January 11, 1980, the Board recognized the legitimacy of PANE's concern and ordered that discovery would not begin until either the Board or the Commission had ruled that the psychological distress contentions should be admitted to the proceeding. At the same time, the Board noted that the parties would have to make some reasonable efforts to prepare for this litigation and urged that the Licensee and the Staff cooperate voluntarily in reasonable informal discovery requests.

Although PANE should now be proceeding with informal discovery and with the preparation of its own psychological studies through its expert witnesses, it simply does not have financial resources to do so. PANE needs funding from the NRC in order to undertake any further activities.

For these reasons, PANE respectfully requests the Board to expedite its own consideration of PANE's request and to refer the issue to the Commission with a recommendation that the request be granted as soon as possible.

Respectfully submitted,

  
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Counsel for PANE

Dated: February 1, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "People Against Nuclear Energy Request for Expedited Decision on Request for Financial Assistance," were mailed, postage prepaid, this 1st day of February, 1980, to the following:

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