

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
METROPOLITAN EDISON COMPANY, et al.  
(Three Mile Island Nuclear Station,  
Unit 1 - Restart)

Docket No. 50-289  
(Restart)

VERBATIM TRANSCRIPTION OF THE COMMENTS OF REPRESENTATIVES  
OF THE ENVIRONMENTAL COALITION ON NUCLEAR POWER DURING  
A TELEPHONE CONVERSATION WITH IVAN W. SMITH, CHAIRMAN,  
ASLB, TMI-1 RESTART PROCEEDING, DECEMBER 3, 1980

The ECNP Intervenor ask the Atomic Safety and Licensing Board in the above captioned proceeding to enter the following transcription of the statements made by ECNP legal representatives Drs. Chauncey Kepford and Judith Johnsrud into the record for clarification and accuracy. These statements were made in the course of a telephone conversation with Chairman Smith and were described by him in the record of the TMI-1 Restart proceeding at pages 7215-18. The statements of Mr. Smith are reconstructed from notes and recollection to the best of our ability and despite a very poor telephone connection.

This transcription is filed pursuant to ECNP's filing of December 15, 1980, entitled Response of the Environmental Coalition on Nuclear Power to Board Memoranda and Orders of November 24, December 4 and 11, 1980.

Mr. Smith called at 10:30 a.m. to inquire why no ECNP representative had appeared at the session, since the Board was then ready to hear cross-examination on ECNP Contention 1(d).

DR. JOHNSRUD: Well, we have not had, as I think you are aware at this stage, the materials that we had felt were adequate for preparation. We have not had the financial assistance to....

Mr. Smith interrupted to say that there was a bad connection.

DR. JOHNSRUD: I would repeat, we have not had the materials necessary for proper preparation with respect to this contention, and hence I certainly have not felt that I would be able to do with it what it should have done. I have not had the financial assistance for the hiring of expert assistance, and, having been doing this work pro bono, as I guess you are aware, for a very long period of time, I have just simply run out of pro bono time to devote to it this fall, in addition to the last couple of weeks of illness.

We haven't known, in view of the fact that the Board has....

Mr. Smith again interrupted but his statement was inaudible.

DR. JOHNSRUD: I beg your pardon?

Mr. Smith then asked if he had interrupted.

DR. JOHNSRUD: Go right ahead.

Mr. Smith said that his basic question was whether or not ECNP intended to cross-examine witnesses on their contention 1(d).

DR. JOHNSRUD: Having been led to understand by you, Mr. Smith, by the Board, that the scheduling would be at your pleasure, and the scheduling now apparently having come up at a time that it is not possible for us to be there, I don't see how there is anything that we can do with this contention.

Mr. Smith asked if Dr. Kepford would be available to address this contention.

DR. KEPFORD: No, I am in no better position than Dr. Johnsrud is, again, not having had any information with which to even base rational questioning on this issue -- or any other issue in this proceeding, for that matter. It's -- you know, the hands have been dealt and we're left without a hand.

Mr. Smith stated that any problems resulting from lack of information or lack of financial assistance were (inaudible) but that the proceeding would have to go forward. He asked what would be the ECNP Intervenor's pleasure with regard to what the Board should do with the testimony that had been prepared on this contention.

DR. KEPFORD: Well, as I say, we are totally unable to ask -- to undergo rational cross-examination, not having had, in the past year a single shred or piece of paper made available to us pertinent to the TMI-2 accident. We can go there and we can make utter fools of ourselves, but it will not add to this record at all. But this is not a new problem.

Mr. Smith responded that he knows that.

DR. KEPFORD: Furthermore, we have been very much in the dark as to when the subject would come up, even if we could ask questions. The latest transcript we have is dated November 18th, and Dr. Johnsrud has spent days looking through the transcripts in attempts to find something resembling a schedule, and her efforts have been fruitless. It's been time that has simply been wasted.

DR. JOHNSRUD: I do have that transcript in front of me, Mr. Smith --

Mr. Smith asked her to speak louder.

DR. JOHNSRUD: Surely. We're having trouble hearing you as well. I do have that transcript in front of me, and I would note for you that at page 5768 you state "Let's go off the record and get the sequence that has been recommended. I did not take notes." Discussion is off the record, and then as you come back on the record, the only thing that you say is, "The Board has announced that we will be having hearings on the 22nd, 23rd, and 24th." And that really doesn't give us...

Mr. Smith asked if Dr. Johnsrud would be available the following week.

DR. JOHNSRUD: I don't know what the state of my health is at the moment. I'd just as soon not go into the gorieer details of it with you, frankly, but it's not good, and I don't know whether I will be or not.

Mr. Smith asked if Dr. Kepford would be available to cross-examine.

DR. KEPFORD: No. For all the reasons that have already been stated, plus if Dr. Johnsrud has to go to the hospital, somebody is going to have to be here to take her.

Mr. Smith asked if there was anything else either one wanted to add.

DR. KEPFORD: No requests that haven't already been made repeatedly.

DR. JOHNSRUD: I would add, though, Mr. Smith, that I would hope that the Board will take this issue and examine it very seriously. We have served as pro bono's in this case and in a good many other TMI cases, dating clear back to 1972. I really feel that there are some very serious issues that have been raised here. It makes us pretty unhappy not to be able to carry it through....

Mr. Smith mentioned that Mr. Sholly would be carrying on with the portion on instrumentation and that the Board had an interest (inaudible). He was faced with the decision as to whether or not to have the witnesses present.

DR. JOHNSRUD: Well, I can assume at this point that I can say only no, for me.

Mr. Smith restated that this is an important issue.

DR. KEPFORD: There is one thing that I'd like to add, and that is: over the years, our concerns over the operation of TMI-1 and 2 have been proven by events to have been very, very factual and right on the mark, in spite of the fact that the various Licensing Boards have treated them in the most glib and whatever fashion.

Mr. Smith's next remark was missed.

DR. KEPFORD: There's reason for it.

DR. JOHNSRUD: Not at the moment. I will have the letter in the mail when I can get it in to you.

Mr. Smith closed with a good wish for improved health.

Respectfully submitted for the record

Judith H. Johnsrud  
Co-Director

Dated this 25th day  
of December, 1980

CERTIFICATE OF SERVICE

I hereby certify that copies of NOTIFICATION OF NRC COMMISSIONERS OF THE WITHHOLDING OF TRANSCRIPTS AND SCHEDULING INFORMATION FROM INTERVENORS AND REQUEST FOR PROCEDURAL RELIEF FOR ECNP INTERVENORS have been served on the parties in this proceeding and the NRC Commissioners by deposit in the U.S. Mail, first class, postage paid, this 3rd day of January, 1981.



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