

# UNION OF CONCERNED SCIENTISTS

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November 27, 1984

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REGISTRATION & SECURITY  
BRANCH

Nunzio Palladino, Chairman  
Thomas Roberts, Commissioner  
James K. Asselstine, Commissioner  
Frederick M. Bernthal, Commissioner  
Lando W. Zech, Jr., Commissioner  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Gentlemen:

Re: TMI-1 Restart Proceeding, Docket No. 50-289 SP

Enclosed for your information is a copy of a pamphlet which GPU's subsidiary, Met-Ed, recently inserted with its customers' electric bills. Under the banner "A Fair Conclusion," Met-Ed/GPU exhorts its customers to write or call the NRC Commissioners (and elected officials) as follows:

If you believe that the regulatory process which this country has set up for nuclear power should be allowed to operate without distortion by political rhetoric or emotion, then we urge you to express that belief.

This bill-stuffer grossly distorts and attempts to trivialize the questions before the NRC. For one thing, Met-Ed never mentions that what it refers to abstractly as four "open issues" go to the heart of GPU's competence, integrity and fitness to operate a nuclear power plant. Prime among these issues is whether the falsification of NRC-required safety tests, resulting in Met-Ed's guilty plea to the first felony charges ever raised against a nuclear plant licensee, should disqualify its parent company, GPU, from operating TMI-1. Met-Ed/GPU seeks to portray the existence of "open issues" as generally common to any nuclear plant: "...for any nuclear plant, there are apt to be some open issues at any given time." However, the truth is that the questions surrounding TMI-1 are unprecedented both in their nature and their gravity. Other nuclear generation utilities have not been convicted of criminal offenses.

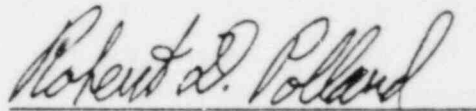
By the use of half-truths, the bill insert misinforms Met-Ed's customers and then compounds the distortion by exhorting them to petition their government officials based on that misinformation. We think it important for you to consider the source of any GPU-generated mail and/or telephone calls you may receive.

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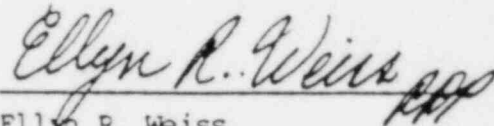
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In addition, it is UCS's view that the bill insert is a violation of the provisions of 10 CFR 2.780, "Ex Parte Communications," which prohibits, inter alia, any party to a proceeding, or any other person directly or indirectly acting in behalf thereof, submitting off the record to the Commissioners any advice, whether written or oral, regarding any substantive matter at issue. The question of whether the reopened hearings must be completed before or after a Commission decision on restart is a substantive matter at issue in this proceeding. The purpose of this bill insert is to solicit prohibited ex parte communications from Met-Ed's customers on behalf of GPU. We request at a minimum that you ensure that the remaining provisions of 10 CFR 2.780 are followed by directing that UCS and the other parties to the TMI-1 restart proceeding be served with a copy of all written ex parte communications, all NRC replies and a fair, written summary of all oral ex parte communications. It would, of course, be appropriate for GPU or Met-Ed to pay for the copying and mailing of this material to the parties.

Sincerely,



Robert D. Pollard  
Nuclear Safety Engineer



Elyn R. Weiss  
General Counsel

Enclosure:  
Met-Ed/GPU bill insert dated 10/84

cc w/enclosure:  
Sen. H. John Heinz, III  
Sen. Arlen Specter  
Rep. George W. Gekas  
Rep. William F. Goodling  
Rep. Peter H. Kostmayer  
Rep. Joseph M. McDade  
Rep. Donald L. Ritter  
Rep. Richard T. Schulze  
Rep. E. G. "Bud" Shuster  
Rep. Robert S. Walker  
Rep. Gus Yatron  
Gov. Dick Thornburgh  
TMI-1 Service List

Re: Bill 1007

**U.S. Senators**

**H. John Heinz, III**  
United States Senate  
SR-277 Russell Senate Office Building  
Washington, D.C. 20510  
(202) 224-6324

**Arlen Specter**  
United States Senate  
SH-331 Hart Senate Office Building  
Washington D.C. 20510  
(202) 224-4254

**U.S. Representatives**

**George W. Gekas**  
No. 1 Riverside Office Center  
2101 H. Front Street  
Harrisburg, PA 17110  
(717) 232-5123

**William F. Goodling**  
Room 103, Federal Building  
York, PA 17404  
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**Peter H. Kostmayer**  
44 E. Court Street  
Doylestown, PA 18901  
(215) 345-8543

**Joseph M. McDade**  
1223 Bank Towers Building  
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(717) 346-3834

**Donald L. Ritter**  
212 Allentown Post Office Building  
Allentown, PA 18101  
(215) 439-8861

**Richard T. Schulze,**  
2 E. Lancaster Avenue  
Paoli, PA 19301  
(215) 648-0555

**E. G. "Bud" Shuster**  
Penn Alto Hotel  
Altoona, PA 16601  
(814) 946-1653

**Robert S. Walker**  
50 N. Duke Street  
Lancaster, PA 17602  
(717) 393-0666

**Gus Yatron**  
P.O. Box 776  
Reading, PA 19603  
(215) 375-4572



A Member Company of the  
General Public Utilities System

*The expense of this bill insert is not charged to customers.*

**\$47.5 MILLION  
YEARLY SAVINGS**



**IN THE CASE  
OF TMI-1...**

It is important that you, as a customer, know the facts on an issue that affects your electric bill and the overall economy of the area where you live and work. That issue is the restart of Three Mile Island Unit 1 (TMI-1) — the undamaged nuclear plant at TMI that was not involved in the 1979 accident.

## What the Shutdown is Costing

TMI-1 provided a sizeable portion of Met-Ed's generating capacity. Being deprived of what it could produce means we must purchase almost one-quarter of the electric energy which we supply to all our customers. That electricity is purchased from other electric utilities at a relatively high cost — a cost which is included in the portion of your bill labeled "Energy Cost Rate."

The Energy Cost Rate (ECR) has been rising, and under present circumstances is likely to increase. However, when TMI-1 is allowed to restart, Met-Ed will be able to make a substantial reduction in the ECR due to reduced need for purchased power.

As a result, the restart of TMI-1 will bring about an estimated savings of \$47.5 million a year for Met-Ed customers — a net decrease from current rates averaging 4.9% to 9.6% depending on customer classification. We believe that our customers — the people concerned about budgets for homes, businesses, and industries — should be allowed to realize this substantial savings.

## The Actions of the Regulators

TMI-1 operated with an excellent record for four and one-half years, serving Met-Ed customers safely and economically. It happened to be shut down for

routine re-fueling at the time of the accident at TMI-2 in March, 1979.

That summer, the Nuclear Regulatory Commission (NRC) ordered TMI-1 to remain shut down due to "extraordinary" circumstances resulting from the accident at neighboring TMI-2.

Extensive hearings have been held over five and one-half years. By August 1982, the Atomic Safety and Licensing Board had found in favor of restart on all issues. However, the Appeal Board subsequently ordered reopening of the hearings to augment the record on four of the issues.

The staff of the NRC has consistently advised the Commission that it is obligated to lift the shutdown orders once the "extraordinary circumstances" which caused the order to be issued are resolved. In July, 1984, the NRC staff concluded that:

"...GPU Nuclear can and will operate TMI-1 without undue risk to the health and safety of the public. The Staff, therefore, revalidates its position on licensee's management integrity."

What remains to be done is for the five NRC Commissioners to reach a decision on lifting the 1979 shutdown order. On September 7, 1984, they voted to put off any decision on the matter for at least another 90 to 150 days, pending further review.

## A Fair Conclusion

Met-Ed and other nuclear generation utilities acknowledge that for any nuclear plant, there are apt to be some open issues at any given time. For TMI-1, the several issues that are still open can be addressed by using existing NRC procedures. This can — and should — be done as it is for other nuclear plants; it should not be tied to lifting the shutdown order.

If you believe that the regulatory process which this country has set up for nuclear power should be allowed to operate without distortion by political rhetoric or emotion, then we urge you to express that belief. This can be done by letters or telephone calls to the Nuclear Regulatory Commission in Washington and to your elected officials.

You may write or call the following commissioners at:

**Nuclear Regulatory Commission**  
1717 H. Street, N.W.  
Washington, D.C. 20555  
Telephone: 301-492-7000

### Commissioners

**Nunzio Palladino, Chairman**  
**Thomas Roberts**  
**James K. Asselstine**  
**Frederick M. Bernthal**  
**Lando W. Zech, Jr.**