

15TH DISTRICT
JOHN J. SHUMAKER DOCKETED
USNRC

PLEASE REPLY TO:

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JOINT STATE GOVERNMENT COMMISSION
TASK FORCE ON PROCUREMENT LAW
GENERAL STATE AUTHORITY

DOCKET NUMBER 50-289
PROD. & UTIL. FAC.

April 10, 1984

Nunzio Palladino, Chairman
U. S. Nuclear Regulatory Commission
Matomic Building
1717 "H" Street, N.W.
Washington, D.C. 20555

SERVED APR 16 1984

Dear Chairman Palladino:

Enclosed please find copy of a resolution of the Senate of Pennsylvania introduced December 14, 1983 and adopted by voice vote on March 27, 1984, the eve of the 5th Anniversary of the TMI Accident.

It is obvious from this resolution that the Senate of this Commonwealth does not want the restart of TMI even considered (emphasis mine) until all of the conditions set forth therein are determined and the funding mechanism for radiation clean-up is in place.

I know that this matter is now under your consideration and we trust that the attached will convey to you the feelings of this elected body representing 11.5 million people. I believe this is the first time that an elected body has expressed such strong feelings about this matter.

In the most recent survey conducted in this area (my Newsletter of January 1984), the question was asked "Do you favor restart of TMI?"; we had an overwhelming two to one negative response.

Very truly yours,

JOHN J. SHUMAKER
State Senator

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Enclosure

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Senate of Pennsylvania



HARRISBURG, PA.

OFFICE OF THE SECRETARY

In the Senate, December 14, 1988

- Whereas, On March 28, 1979 the most serious accident in the history of the United States commercial nuclear power program occurred at Unit 2 of the Three Mile Island Nuclear Powerplant located in the County of Dauphin of the Commonwealth of Pennsylvania; and
- Whereas, On July 2, 1979 the United States Nuclear Regulatory Commission ordered the Three Mile Island Unit 1 Reactor remain shutdown until hearings certifying the safe operation of the plant could be proven; and
- Whereas, On August 9, 1979 the United States Nuclear Regulatory Commission appointed an Atomic Safety and Licensing Board to determine whether there was reasonable assurance TMI-1 could be operated without endangering the public's health and safety; and
- Whereas, On August 27, 1981 the Atomic Safety and Licensing Board ruled that the Three Mile Island management had the requisite competence and integrity to safely operate TMI-1; and
- Whereas, On October 2, 1981 the Atomic Safety and Licensing Board reopened the management hearings to investigate allegations that cheating had occurred on TMI operator licensing exams; and
- Whereas, On April 28, 1982 the reopened proceeding's Special Master concluded that a number of management and operations personnel at Three Mile Island had engaged in cheating and wrongdoing, that the overall integrity of the operations staff was inadequate, that the company response to certain cheating incidents was inadequate, that the company submitted a "false material statement" to the Nuclear Regulatory Commission and that the company's training and rating program was not adequate to satisfy the legal requirements for restart; and
- Whereas, On May 18, 1982 voters in a nonbinding referendum in three of five counties surrounding Three Mile Island expressed their opposition to the restart of TMI by a 2-1 margin; and

Whereas, On May 19, 1983 the United States Nuclear Regulatory Commission's staff withdrew its support for General Public Utilities' management based on the following five open issues:

- (1) the veracity of the Hartman allegations;
- (2) statements in the Babcock and Wilcox trial record;
- (3) the Parks/King/Gischel/Wenger allegations;
- (4) the substance of the BESTA and RKR reports;
- (5) whether GPM failed to promptly notify the NRC of the BESTA and RKR reports; and

Whereas, On June 28, 1983 the United States NRC issued a memorandum stating that they were "unable to decide the management issues at that time" and that they would "await the completion" of ongoing NRC investigation; and

Whereas, On August 31, 1983 the ASLB reopened the restart hearings to examine the Hartman allegations concerning leak rate falsifications on Unit 2 preceding the 1979 accident; and

Whereas, On November 7, 1983, the United States Department of Justice indicted Metropolitan Edison Corporation for falsifying leak rate data and destroying documents before the accident, in violation of their license, NRC regulations and the Federal criminal code; and

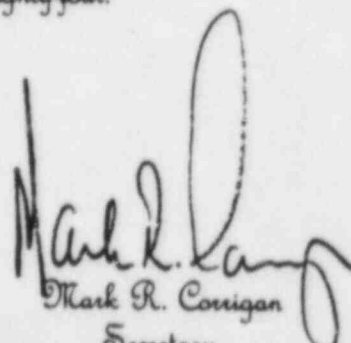
Whereas, On December 5, 1983, the NRC staff recommended that the NRC Commissioners permit restart of TMI-1 at 25% power on February 1, 1984, and unresolved issues of management competence and integrity be decided at a later date; and

Whereas, The NRC Commissioners will be considering aforementioned staff recommendations at a future meeting or meetings; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the NRC Commissioners Palladino, Roselotini, Gilinsky, Roberts and Bernthal delay any decision on the restart of TMI-1 until and unless the various questions related to public health and safety, including those related to management competence, integrity and technical issues are resolved, until all criminal matters are resolved, and until and unless there is a funding mechanism in place for completing the radiation cleanup at TMI-2.

I certify that the foregoing is a true and correct copy of Senate Resolution Serial No. 98, introduced by Senators John J. Shumaker, John D. Kopper, Edward W. Helfrich, Ralph W. Hess, Jeanette F. Reibman, Leonard J. Bodack, Guy M. Kratzer, James R. Lloyd, William J. Moore, Noah W. Wenger and James J. Rhoades and adopted by the Senate of the Commonwealth of Pennsylvania, the twenty-seventh day of March, one thousand nine hundred and eighty-four.




Mark R. Corrigan
Secretary
Senate of Pennsylvania