

United States Senate

WASHINGTON, D.C. 20510

December 18, 1983

Hon. Minsio Palladino
Chairman, Nuclear Regulatory Commission
1717 R Street, NW
Washington, D.C. 20555

Dear Chairman Palladino:

Based on the testimony from a hearing which I conducted last Friday, December 16, 1983, I am writing to urge the NRC to hold promptly the necessary hearings to resolve the outstanding issues regarding TMI. At that hearing, some twenty-five witnesses testified representing citizens' groups, the NRC, GPU, state senators, the State Chamber of Commerce, county commissioners and mayors.

That hearing disclosed:

- 1) enormous public worry about the recommendation of the NRC staff to restart TMI Unit 1 before pending inquiries on safety and company competency and integrity are concluded;
- 2) substantial concern by GPU and nuclear industry proponents about the future of nuclear energy in light of the long delays in resolving the TMI matter;
- 3) serious questions about the competency of the NRC to perform its Congressional Mandate as embodied in the applicable Federal Statutes.

As the record unfolded, there have been a multiplicity of proceedings involving the NRC itself, the NRC Office of Investigation, the NRC Special Inquiry Group, the Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Board and the Special Master.

A significant part of the hearing focused on why the TMI investigation has not been concluded since almost five years have elapsed since the incident of March 28, 1979. Mr. Denton of the NRC staff testified:

"It is inexplicable why it has taken five years to get here."

It is totally unacceptable, as mildly as I can put it, to have no rational justification for the intolerable delay.

A major outstanding question has been the continuation of Mr. Kuhns and Mr. Dieckamp in GPU's management. When I spoke to them last Tuesday, December 13, 1983, I was astonished to find that no one from the NRC had ever questioned either of them about their knowledge of or involvement in falsification of records, operator cheating or other allegations of wrongdoing. In the intervening two days until the hearing of December 16, 1983, there was finally some limited questioning of Mr. Kuhns and Mr. Dieckamp by NRC representatives. It certainly is a curious coincidence that no one questioned those GPU officials for more than four years and eight months, but did so in the two days between their appearances at my office and my hearing. I am not suggesting in any way that either Mr. Kuhns or Mr. Dieckamp were involved in any wrongdoing; but I do believe they, as well as all interested parties, were entitled to have that matter resolved at an early date.

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On the basis of this record, it is my judgment that the NRC is guilty of non-feasance in failing to act properly to discharge its statutory duties on the TMI incident. This is the most important issue in the history of the nuclear industry which the NRC is charged with regulating, and it is and has been entitled to priority treatment.

The people of central Pennsylvania, the public generally, the company, the industry and the Congress are entitled to answers on the TMI incident which have been pending for almost five years. The NRC should complete the hearing process and let the chips fall where they may so that those at fault will be ousted and the innocent exonerated.

At Friday's hearing, your counsel confirmed that the NRC itself could hold the necessary hearings and render the relevant judgments. I urge that the NRC itself hold such hearings and make those judgments under an appropriately tight time-table.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Arlen Specter', written over a horizontal line.

Arlen Specter

AS/eq

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

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THE GOVERNOR

January 24, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dr. Nunzio J. Palladino
Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Chairman:

The Commonwealth is in receipt of NRC staff's response to GPU's management proposal and I want to take this opportunity to reiterate my views concerning the question of restart of Three Mile Island Unit 1.

As you know, I have repeatedly stated that I will remain opposed to the restart of TMI Unit 1 until and unless I receive adequate assurances that Unit 1 can be operated safely, and until and unless there is a funding mechanism in place for completing the radiation cleanup at TMI Unit 2.

In my letter to you of June 2, 1983, I expressed my view that a variety of questions, including those related to management competence and integrity, should be resolved prior to restart, not the other way around.

In your written response dated July 14, 1983, you provided assurances that the NRC would make no decisions regarding the restart of Unit 1 until such issues had, indeed, been addressed.

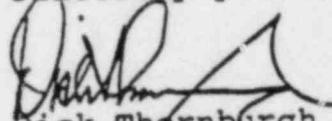
I believe that the NRC staff's recommendation, which would permit the conditional restart of TMI-1 in the face of unresolved issues related to competence and integrity, would be inappropriate and inconsistent with the spirit of your statement of July 14.

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Dr. Nunzio Palladino
Page two

Public safety must be the primary concern and principal objective of the operators and regulators of nuclear power facilities. In the interest of public safety, the NRC should reject any proposal to separate competence and integrity issues from TMI-1 restart, but rather resolve these issues prior to any decision on the future of Unit 1.

Sincerely yours,



Dick Thornburgh
Governor



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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

December 16, 1983

Dr. Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

In view of recent events, Gov. Thornburgh asked me to share with you this reiteration of his administration's position regarding proposals for the restart of the Unit 1 nuclear generating facility on Three Mile Island.

Sincerely,

Frank Wright
Dr. Frank Wright
Secretary for Policy
and Planning

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12-16-83



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

December 15, 1983

Honorable Arlen Specter
United States Senate
Room 331, Russell Office Building
Washington, D.C. 20500

Dear Sen. Specter:

I want to thank you for this opportunity to reiterate Gov. Thornburgh's views concerning the question of restart of Three Mile Island Unit 1.

I particularly want to note that your interest and concern for the safety of those who live in the shadow of Three Mile Island is well-known here in central Pennsylvania, and I commend you for your continuing efforts on their behalf.

As you know, Gov. Thornburgh repeatedly has stated that he will remain opposed to the restart of TMI Unit 1 until and unless he receives adequate assurances that it can be operated safely, and until and unless there is a funding mechanism in place for completing the radiation cleanup at TMI Unit 2.

The governor told the chairman of the Nuclear Regulatory Commission (NRC) last June that these conditions had not been met and that he was particularly concerned at that time about a variety of outstanding questions which could directly relate to the safety issue.

He felt then, and he continues to feel, that all such questions, including those related to competence and integrity, should be resolved prior to restart, not the other way around.

In a written response dated July 14, 1983, Commission Chairman Nunzio J. Palladino assured Gov. Thornburgh that the NRC would make no decisions regarding the restart of Unit 1 until such issues had, indeed, been addressed.

While the Governor's Office has yet to receive any official communication from the NRC regarding a staff plan to reverse this order, we are aware of published reports in which the staff seemed to propose, in effect, restarting Unit 1 first and answering the outstanding questions later.

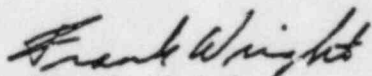
We were somewhat reassured by subsequent reports quoting Chairman Palladino as saying that no restart decision is imminent, although the staff procedural recommendation appeared in the same news accounts to be on the commission's agenda. The governor continues to feel that such a procedure not only would be totally inappropriate, but inconsistent with the spirit of Chairman Palladino's statement of July 14.

Some progress in resolving restart issues has indeed been made since the governor expressed his reservations of last June. GPU Nuclear signed an agreement with the commonwealth, for example, stipulating that it would not allow TMI-1 to be operated by any individuals found to have cheated on their qualifying examinations. Yet, several other important issues remain to be resolved, particularly those relating to competence and integrity.

The governor believes that public safety must be the primary concern and principal objective of the operators and regulators of nuclear power facilities. He believes the NRC should reject any proposal to separate competence and integrity issues from TMI-1 restart, but rather resolve these issues prior to any decision on the future of Unit 1.

Copies of the Governor's letter of June 2 and Chairman Palladino's response of July 14 are attached for your record.

Sincerely,


Dr. Frank Wright
Secretary for Policy
and Planning



NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20585

July 14, 1983

The Honorable Richard Thornburgh
Governor of Pennsylvania
Harrisburg, PA 17120

Dear Governor Thornburgh:

This responds to your letter of June 2, 1983 regarding Three Mile Island, Unit 1. In that letter you expressed your concerns with regard to three issues that you believed should be resolved before the Commission takes any action with regard to restart:

- (1) the possibility that TMI-1 would be operated by persons found to have cheated on their qualifying examination;
- (2) the possibility that the cleanup at TMI-2 may not be proceeding as safely as it should; and
- (3) the possibility that the levels of operator competence and integrity at TMI may not be as high as those which the public is entitled to expect.

With regard to your first concern, you further explained that it would be inappropriate for the Commission to act on restart prior to hearing the Commonwealth's appeal on the operator cheating issue. We note the stipulation between the Commonwealth and GPU Nuclear, filed July 11, 1983, and the appended Motion to Withdraw Appeal, in which the Commonwealth agreed to withdraw its appeal and the licensee agreed to specified conditions concerning TMI-1. The Commission plans to consider the integrity of the individuals responsible for operating TMI-1 prior to authorizing any restart.

With regard to your second concern involving the cleanup operations, the Commission is investigating the allegations of unsafe practices at TMI-2. The Commission has decided that the allegations of unsafe practices at TMI-2, together with other allegations that the NRC is investigating, raise questions which preclude a final restart decision for TMI-1 at this time. The Commission does not plan to act on restart of Unit 1 until it is satisfied from the relevant parts of those investigations that Unit 1 can be safely operated.

Finally, the NRC staff itself has raised additional questions about management competence and integrity. The staff is undertaking further review of these matters. The parties to the TMI-1 restart proceeding will be provided an opportunity to comment on the resulting staff reports to the Commission before the Commission reaches a final decision on restart. The Commission will not make a final decision on restart until those questions are addressed.

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Commissioner Gilinsky adds: "Nothing is more important to a decision on whether to permit TMI-1 to restart than a favorable assessment of the integrity of GPU's top management. My own conclusion at this point, which is set forth at greater length in the enclosed draft separate opinion, is that there is sufficient information in the record to conclude that the top management of the Company -- and by that I mean the Chairman of the Board of GPU, the President of GPU, and the President of GPU Nuclear -- should be changed."

Commissioners Roberts and I believe Commissioner Gilinsky's decision to be premature. My responding views are also enclosed.

Sincerely

A handwritten signature in cursive script, reading "Nunzio Palladino".

Nunzio J. Palladino

Enclosures:
As stated

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

June 2, 1983

Dr. Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing because of suggestions that the time has come for your commission to authorize restart of the Unit 1 nuclear generation station at Three Mile Island.

Nearly four years ago, I asked this commission to postpone any decision regarding Unit 1 restart because a number of serious health, safety, environmental, operational, management and other issues had yet to be resolved. I believe the commission acted in the public interest at that time by postponing its restart decision.

Nearly two and one-half years later, on Nov. 24, 1981, I repeated to this commission my concern that any action by the NRC to allow restart of TMI Unit 1 be preceded by adequate assurances that this facility can be operated safely.

Today, more than four years after the March 28, 1979 accident at the nearby TMI Unit 2 facility, I must advise you that while progress has been made, adequate safety assurances have not been fully provided with regard to Unit 1, either to me or to the people of this area.

My reservations are now principally focused on the possibility, to which this Commonwealth has objected, that TMI-1 would be operated by persons found to have cheated on their qualifying examinations, the possibility, raised by engineering technicians and others, that the radiation cleanup of the damaged TMI-Unit 2 may not be proceeding as safely as it should, and the possibility, raised last month by the NRC staff itself, that the levels of operator competence and integrity at TMI may not be as high as those which the public is entitled to expect.

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Left unresolved, these kinds of questions also could seriously jeopardize the substantial progress we have made in ensuring that the Unit 2 cleanup will be adequately funded under the cost-sharing plan I advanced in 1981.

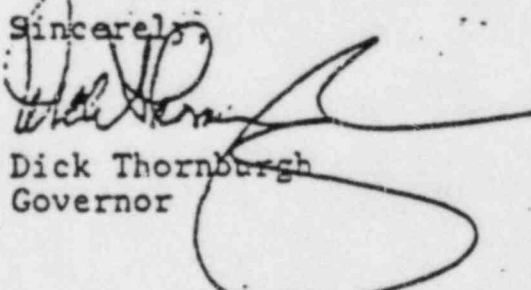
I believe, in fact, that all of these concerns bear on the safety assurances I have directed this Commonwealth to seek since 1979.

A prompt, thorough and effective investigation and public resolution of those issues raised in the Commonwealth's appeal of August 20, 1982, and those raised by your staff and by workers at the plant itself, is absolutely essential before this commission seriously entertains any action with regard to restart.

Before these issues are resolved, I would find it disturbing, indeed, for the commission to take action on restart. I would find it particularly inappropriate for the commission to take such action prior to hearing this Commonwealth's appeal on the operator cheating issue.

On behalf of all who live within the shadow of Three Mile Island, all who believe that public health and safety must be the first concern of those who see a future for commercial nuclear power, and on behalf of the integrity of the commission and the regulatory process it represents, I once again urge you and your colleagues to postpone any decision on restart until these issues have been satisfactorily addressed and resolved.

Sincerely,



Dick Thornburgh
Governor

cc: Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine