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# HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

June 12, 1984

Nunzio Palladino, Commissioner  
Nuclear Regulatory Commission  
1717H Street, Northwest  
Washington, D.C. 20555

50-289

Dear Commissioner Palladino:

I strongly protest any restart decision before the entire truth is learned. Under no circumstances should a decision be made before the federal grand juries have concluded their investigations. The first grand jury investigation resulted in a guilty plea by Metropolitan Edison; the on-going investigations may result in even more devastating charges. A decision without this information would be inconsistent, erroneous and unfair to the residents of Central Pennsylvania.

In addition, I am quite troubled by the unresolved management questions. In my opinion, the management competence and management integrity must be addressed before any restart decision is made. Furthermore, a Licensing Appeal Board recently voted to hold additional hearings on operator training before making a decision on Three Mile Island management. The Licensing Board has not yet held those necessary hearings and cannot possibly make a recommendation at this time.

A June restart decision would be the ultimate insult to residents who live near Three Mile Island. Such an insult is not the confidence-builder that the Nuclear Regulatory Commission needs at this time. Confidence is developed through trust - not haste. I am enclosing recent editorials from Harrisburg, York and Philadelphia newspapers. Each is self-explanatory.

Please deliberate carefully, slowly and honestly. Do not choose an artificial deadline. On the contrary, select a date that is compatible with a fair, fully informed decision.

Sincerely,

*Bruce Smith*  
Bruce Smith

BS:kat  
Enclosures

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YORK DAILY RECORD

OPIN

June 8, 1984

J. K. Spencer, Publisher ☐ Sam Fostick, Executive Editor ☐

## How can NRC vote on TMI restart?

**T**he Nuclear Regulatory Commission has signaled that it's ready to vote June 27 on the restart of the undamaged reactor at Three Mile Island. That's amazing.

Amazing because the commission will have to ignore issues that haven't yet been resolved.

☐ Some safety modifications have yet to be made to the undamaged reactor.

The modifications have been deemed necessary to prevent the same kind of accident that occurred in the reactor that was damaged in the infamous accident of March 28, 1979.

The NRC has told the owner of TMI, General Public Utilities Corp., to make the modifications.

But then the NRC said some of the modifications may be made after the undamaged reactor is returned to service.

One member of the commission, James Asselstine, said as late as last month that he wants the NRC to wait for the conclusion of hearings on the safety of controversial repairs made to the reactor.

Even if all the modifications were made, some of the same people who managed and operated the damaged reactor would be managing and operating the undamaged reactor.

And some persons implicated in cheating on tests remain in authority.

The U.S. Justice Department is investigating allegations of criminal misconduct by the managers of TMI. The charges include making false statements to the NRC about cheating on tests for reactor operators.

On top of all this, a federal appeals board said just last month that it didn't have enough evidence to decide whether the managers of TMI were competent.

With all these unresolved issues, how in the world can the NRC say that it's ready to vote in three weeks on restart?

The NRC said it wants to make a decision on restart before the term of one of the commissioners, Victor Gilinsky, ends on June 30.

The issue of the safe operation of TMI is more important to the people of this area than having a vote forced through the NRC before Gilinsky retires.

Judging by the record shown above, there is simply no way the NRC can vote on restart without ignoring the questions about the safety and health of the people.



# The Patriot-News Co.

Raymond L. Gover  
PUBLISHER

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PRESIDENT

Saul Kohler  
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*A Free Press — Armor of the Republic*

## NRC in the open

TRANSCRIPTS of closed meetings held by the Nuclear Regulatory Commission on Three Mile Island are instructive in what they reveal about the views of individual commissioners on holding local public hearings on TMI and the impact of the indictment of the owners of TMI. In a broader context they provide a look at the semi-private thoughts of the commissioners as they wrestle with one of the most difficult decisions the NRC has ever had to make.

NRC Chairman Nunzio Palladino, formerly head of Penn State's department of nuclear engineering, said "my frank opinion is and my deep-seated opinion is I would not want to have a meeting where you have a lot of people from the public just get up and rant and rave." Commissioner Peter Bradford thought public views were more appropriately expressed before licensing boards than the commission. Commissioner Victor Gilinsky, on the other hand, saw "absolutely no problem" with commission-held hearings.

The hearing under discussion was eventually held — in November 1982 — but the secret discussion reveals an inclination on the part of at least two of the five commissioners to avoid hearing directly from the people who are most affected by and concerned about the decision the NRC has to make on the restart of the undamaged reactor at TMI. The irony of this kind of thinking is that if the NRC had demonstrated the patience and willingness to listen to the gripes of the public from the very start of the restart proceedings it would enjoy considerably more credibility with the public today than it does.

ONE of the primary devices used to keep the public at a distance from the commission and active participation in the restart proceedings has been to shroud the entire process in the cloak of technicality. But however much it may try to operate within a cocoon isolated from the influences of the outside world, the commission could not quite write

off the criminal indictment of TMI-owner Metropolitan Edison (i.e., General Public Utilities) as just another non-technical matter whose consequence and relevance it could ignore.

At least four of the commissioners indicated — in what had been closed discussions until the Philadelphia Inquirer won a court order making transcripts of the meetings public — that a conviction on just one count of the indictment charging GPU with falsifying water-leak rate records in 1978-79 at Unit 2 just before the accident would weigh heavily on the Unit 1 restart decision. This was six weeks before GPU pleaded guilty to one of the criminal misconduct charges on Feb. 28.

OUT of this stew of technical and un-technical facts, emotions and personalities is supposed to come a decision on the fate of Unit 1 that has been achieved by reducing a potpourri of ingredients down to a logical and credible conclusion. The NRC has a tendency to project the fiction that each commissioner will absorb the vast record that has been compiled in this case and consider every nuance before arriving at a decision based strictly on technical merits. This case is too massive and too complex for that; more importantly, it is too important a case to be decided as if Unit 1 can be detached from its surroundings and viewed without considering an uncertain cleanup at the damaged reactor, corporate misbehavior and responsibility, and the general lack of local confidence in GPU and the NRC.

The transcripts of the closed commission meetings on TMI do not reveal anything startling but they do make it clear that the so-called non-technical issues weigh heavily on the minds of the commissioners, as they should. Intellectual integrity and peace of mind would seem to require that the commission's once-private doubts be reflected in its eventual public decision on restart.

June 1, 1984



# The Patriot-News Co.

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## NRC orders action

IT HAS long been one of the curiosities of the Three Mile Island episode that since the accident more than five years ago the Nuclear Regulatory Commission has paid more attention to putting the undamaged Unit 1 back in service than cleaning up the radioactive contamination of Unit 2. This ranking of priorities never made any sense and we would submit that it has had the unfortunate effect of prolonging the cleanup, as well as the decision on restart, and generally adding to the frustration that almost everyone feels about this whole business.

This absurd sense of priorities seems to have spawned some misgivings among at least a few members of the commission as it moves ever closer to making a decision on restart. On Wednesday, NRC Chairman Nunzio Palladino directed staff attorneys to determine the agency's authority to order TMI-owner GPU Nuclear Corp. to adhere to a schedule for the cleanup.

This move gives every indication of being too little, too late but it does possess the singular attribute of at long last pointing the NRC in the right direction. However, it would be far more preferable if the NRC acted with less timidity and ordered GPU to meet a cleanup schedule, leaving the courts to decide — if need be — whether the agency had exceeded its authority or not. The commission should be more concerned about being hauled into court to defend itself against charges of laxity and negligence in failing to require an expeditious cleanup.

THE NRC also is increasingly concerned and dismayed that funding for cleanup, which is ample for this year, will be considerably less than adequate in 1985. Palladino, who has urged the utility industry to support the voluntary TMI cleanup fund at every opportunity, and the other commissioners may well sense that their approval of restart is likely to remove any remaining incentive for utilities to contribute to the fund. Thus far, \$83 million has been promised — though by no means certain — but pledges must exceed \$100 million before one dollar will be paid toward cleanup.

It is doubtful that there is a more ludicrous spectacle in the United States today than this one which seeks to substitute charity and volunteerism for the responsibility and leadership that the cleanup of a contaminated nuclear plant requires and the people of Central Pennsylvania have a right to expect. The system of protection against the dangers of nuclear plants has failed us twice; first, in permitting the accident and second, in its inability to address and respond to the inescapable necessity of a cleanup.

With this botched record of safety and public trust providing the legacy for nuclear power in the area, it would be a hideous assault on public sensibilities to permit restart without having resolved the question of cleanup. The NRC has taken a first tentative step in that direction but if it doesn't act with substantially more boldness and assertiveness we may be debating these same questions five years from now.

# Honesty and integrity: Keys to a TMI restart

*Phila. Inquirer*

6-10-84

The most critical question the Nuclear Regulatory Commission must resolve before it votes on allowing the Unit 1 reactor at Three Mile Island to be restarted is whether those who would operate it are competent. In their hands rest the health and safety of hundreds of thousands of people.

The accident at TMI was caused by reactor operators who were poorly trained, carelessly supervised and laxly regulated. As a result, TMI Unit 2 came close to melting down, in the worst accident in the history of commercial nuclear energy.

For five years, the NRC has engaged in investigations and hearings designed to convince the public that it is addressing the problems seriously. That activity has been an outrageous sham. As *Inquirer* staff writers Jim Detjen and Susan FitzGerald detail on Page One today, the NRC's dominant initiative since 1979 has not been to make TMI safe. It has been to get the plant back in service — at any cost.

The NRC apparently plans to overlook lying and cheating by GPU Nuclear Corp., TMI's operator, when it votes on restart on June 29. The NRC plans to ignore the ever-increasing body of evidence that raises serious questions about whether GPU Nuclear is competent or honest enough to run a reactor.

The NRC never once has deviated from its perceived duty. Its actions have not been to protect the public from a mismanaged and unsafe nuclear plant. They have been to protect the officers and shareholders of TMI's owner, General Public Utilities Corp.

The attitudes and conduct that led to the accident persist today. Consider:

- The NRC ordered that TMI reactor operators pass licensing re-examinations in April 1981. Nine out of the 36 TMI employees who took the tests were

directly involved in cheating of some sort or were implicated in it. Several of those identified in the cheating episode were or are still in supervisory positions at TMI. The supervisor of operator-training was promoted after his participation in the cheating episode had become known to TMI management.

A federal grand jury sitting in Harrisburg is investigating the cheating. The grand jury reportedly also is investigating whether GPU officials lied to the NRC in a report on the accident. A key element in both is who in the corporate hierarchy was involved.

- An NRC staff investigation concluded that GPU officials harassed three employees who questioned the safety of the cleanup activities at Unit 2 in 1982 and 1983. One was director of plant engineering, another director of site operations.

Since the accident, GPU has boasted of its corporate housecleaning efforts. But the top echelon of GPU remains unchanged. William G. Kuhns, GPU board chairman, and Herman M. Duckamp, GPU president, were the policymakers at the time of the accident and they are today.

"These guys are the ones who set the climate in a company," observed NRC Commissioner Victor Gilinsky. "They are the ones who determine what people think they can get away with up and down the line."

The same is even more true of the NRC. If the five commissioners vote to restart Unit 1 without first resolving the integrity and competence issues, they are saying to GPU officials — and officials at every other nuclear utility in the United States — that it's just fine to lie and cheat. There can be no other meaning of a decision at this point to return Unit 1 to service.