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BRANCH

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

Dear Chairman Palladino:

I am writing in response to the commission's inquiry of June 1 concerning the proposed restart of the undamaged Unit 1 nuclear generating facility on Three Mile Island. You asked whether the Commonwealth of Pennsylvania feels that a commission vote on restart would be appropriate at this time.

The answer is no.

On several occasions since the accident of March 28, 1979, I have expressed to you and others my opposition to any restart vote unless and until adequate funding has been assured to complete the radiation cleanup of the damaged Unit 2 facility on TMI, and unless and until the NRC has provided adequate assurances that Unit 1 can be operated safely.

My safety concerns, and those expressed by others, have involved a number of questions relating to such areas as the quality of staffing, training and monitoring at the plant site, the physical quality and condition of the plant itself, and operator competence and integrity.

While it is true that progress has been made in several of these areas, I must advise you, once again, that adequate safety assurances have not been fully provided to me, or to the people of Pennsylvania, regarding the restart of TMI Unit 1.

Nor has sufficient funding been assured for Unit 2 decontamination, and the Unit 2 cleanup impasse has become, in itself, a potential threat to the safe operation of Unit 1. I have instructed Commonwealth attorneys to formally introduce that impasse as a new safety issue in your restart proceedings.

As early as June 22, 1979, I urged the commission to postpone any Unit 1 restart decision until, among other things, "Questions about the wisdom and safety of operating Unit 1 next to the crippled Unit 2 have been answered." That postponement occurred.

Among other things, the commission ordered in August 1979 that no restart be authorized until "The licensee shall demonstrate his managerial capability and resources to operate Unit 1 while maintaining Unit 2 in a safe configuration and carrying out planned decontamination and/or restoration activities (emphasis added)." I was understandably encouraged by that 1979 language.

In the nearly five years since that time, however, the commission has done little to address the Unit 2 question. It has attempted, in fact, to disclaim responsibility for the legacy of radiation left to us by the worst accident ever to occur within its regulatory sphere.

On March 19 of this year, you informed me by letter that "the commission has concluded that it does not have the legal authority to condition restart of TMI-1 on a funding solution for the cleanup of TMI-2."

In my view, the commission not only has the authority, it has a legal responsibility to condition the restart of Unit 1 on the removal of any threat to the safe operation of that facility. Your own timely warnings have contributed to my conclusion that the Unit 2 situation is, indeed, a potential threat. Two years ago, you advised the U.S. Senate Subcommittee on Nuclear Regulation that "the potential for slow degradation of containment integrity and equipment capability plus the increasing concern for an unexpected release of radioactive material" argue for a more aggressive and expeditious Unit 2 cleanup program. You added in an enclosure attached to your letter that, "If TMI-2 is allowed to remain in its present condition over the long term, accidents involving the public have a greater possibility for occurrence. The potential for these adverse events, although small now, will increase with time as TMI-2 equipment deteriorates."

If the potential for an "unexpected release of radioactive material" from Unit 2 is increasing "with time," and if the cleanup that would prevent such a mishap continues to be delayed for lack of funding, then the commission has an obligation to consider what effect such a release would have on the staff, management, instruments and other resources necessary to a safe and fully operational Unit 1.

Is it realistic to assume, for example, that the work environment at TMI-1 would not be affected by a genuine radiation emergency, less than 200 yards away, at TMI-2? Or would it be more reasonable

to assume that a new emergency at Unit 2 could produce any number of reactions at Unit 1, ranging from mere distraction to panic or even actual injury? Could such a development confront us with a double crisis of unprecedented dimensions: an operating nuclear power plant, suddenly abandoned or understaffed, on an island poisoned by escaping radiation?

I believe the people of this area deserve answers to these questions.

Surely you agree that it would be irresponsible for any Unit 1 restart vote to be taken without a thorough investigation into the consequences of a new radiation emergency at Unit 2, and without the identification and implementation of any and all steps deemed necessary to protect the health, safety and peace of mind of our people and the integrity of our environment should such an emergency occur.

More to the point, it is inconceivable that the NRC would entertain a restart motion before the only real guarantee for avoiding a twin catastrophe, spawned by the accidental release of the radioactivity now trapped at Unit 2, has been assured. I refer, of course, to full funding of the safe and expeditious removal of that source of radiation.

The cleanup lacks sufficient funding at this point primarily because a major partner in the national TMI cost-sharing plan I advanced three years ago has yet to deliver on even a portion of its commitment. That partner, the national electric utility industry, pledged in September 1981 to contribute \$192 million for TMI cleanup at a meeting in Kansas City at which I personally made the case for the national cost-sharing approach.

Since then, approximately \$83 million in pledges have been made to the industry's principal trade association by individual companies, but this is \$17 million short of a \$100 million "trigger" the industry placed on its previously "unconditional" commitment.

Very frankly, the industry's obvious interest in restarting Unit 1 and avoiding a potential bankruptcy within its ranks was a substantial motivating factor in the commitment it made in Kansas City.

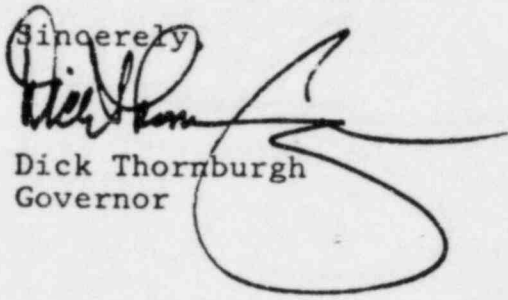
The industry's failure to deliver on that commitment places added financial pressure on TMI's operator, which could further compromise its ability to operate Unit 1 while sustaining cleanup of Unit 2. Surely neither of us can possibly regard this as acceptable.

While your recent personal efforts to persuade the industry to honor its commitment are appreciated, those efforts, to be truly productive, must be backed by the regulatory responsibility of the commission to withhold any vote on Unit 1 restart until all major safety issues, including Unit 2 cleanup funding, have been satisfactorily addressed and resolved.

On behalf of those who live within the shadow of TMI, and those who believe that public health and safety and environmental integrity must be our first concerns, I once again urge you to postpone any decision on restart.

When the benefits, primarily economic, of restarting TMI-1 are weighed against the potential health, safety and environmental risks of a premature restart, the proper course appears to me to be clear. If you and your colleagues are determined to make a final decision at this time, however, I hereby respectfully request the opportunity to personally appear before the commission on behalf of the Commonwealth of Pennsylvania.

Sincerely

  
Dick Thornburgh  
Governor