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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

METROPOLITAN EDISON COMPANY et al.

Docket 50-289 *SP*

(Three Mile Island Nuclear
Generating Station, Unit 1)

ERRATA, AAMODT MOTION MARCH 6, 1985

page 2 - add Exhibit F - October 1, 1980 deposition of Thomas Gerusky, pp 33-41

Exhibit F provided

9/12
Substitute pages 6,7, and 8, with those provided.

page 3 - 4th line under "2.0 Background" - change "were" to "was".

page 9, line 16 - Change "There" to "there".

page 10, Miller testimony, line 2 - Omit "was" after "This".

page 12, line 2 - Change "this" to "these".

page 12, line 3 - Change "change" to "changes".

page 12 - 2nd line under "3.4 The fact..." - Add "OIA" before "investigators".

page 15, 3rd line from bottom - Add quotation mark after "decision".

page 15, 2nd line from bottom - Omit "the latency".

page 16, 2nd line - Omit "which" and add "although it" before "provided".

page 18, line above "4.0 Discussion" - Change "as Attachment C" to "in Exhibit E".

page 20 - first line after "6.0 Conclusions" - Eliminate underlining.

Exhibit F

October 1, 1980 deposition of Thomas Gerusky, pp. 33-41

(emphases added)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

METROPOLITAN EDISON COMPANY

(Three Mile Island, Unit 2)

Room 202, Federal Building
228 Walnut Street
Harrisburg, Pennsylvania

Wednesday, October 1, 1980

INTERVIEW OF THOMAS GERUSKY

was commenced at 1:30 p.m.

APPEARANCES:

NORMAN MOSELEY, U.S. Nuclear Regulatory Commission,
Office of Inspection & Enforcement.

JOHN CRAIG, U.S. Nuclear Regulatory Commission,
Office of Inspection & Enforcement.

TERRY HARPSTER, U.S. Nuclear Regulatory Commission,
Office of Inspection & Enforcement.

DAVID GAMBLE, U.S. Nuclear Regulatory Commission,
Office of Inspector & Auditor.

RICHARD HOEFLING, ESQ., U.S. Nuclear Regulatory Commission,
Office of Executive Legal Director.

-o0o-

1 Q Now you have testified to others, and in fact I
2 notice on your note sheet of your knowledge of the 10-R per hour
3 prediction in Goldsboro --

4 A That's what they gave us.

5 Q Are there other records, notes, or reports or
6 accumulated recollections, any of those things, that might
7 contain additional information concerning --

8 A That particular --

9 Q -- that particular -- for instance, that we could use
10 to nail down more precisely the time in which you received
11 that information. Did you personally receive that?

12 A I think it was on the speaker phone. If I wrote it
13 down, I received it one way or the other, either on the speaker
14 phone or direct phone. Margaret Reilly was there, and she
15 went to get the maps to start her plot of the wind direction,
16 wind speed, and she -- so we both received the information, I
17 believe, over the speaker phone.

18 Q Do you recall what was told you -- what specifically
19 was told you which caused you to no longer give any credibility
20 to the 10-R per hour reading? I'm talking about surveys. What
21 surveys were made, for instance?

22 A Yeah, we were told that there were no onsite readings
23 of any consequence, in that wind direction. We were also told
24 that the containment pressure was still very, very low, and
25 that this was designed -- that the calculation he was using was

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1 designed for containment -- for containment design pressure,
2 instead of what the pressure really was. So the explanation
3 that went along with this was that if we are following procedure
4 our procedure says if it's reading 800-R per hour at the dome
5 monitor, this is what the dose rate downwind would be at design
6 lead pressure. However, it's not at design lead pressure, so
7 these numbers aren't real. However, we aren't going to take any
8 chances. We are going to send a team over to check it out,
9 and then we notify PEMA or Civil Defense to be prepared to
10 evacuate people on the west shore.

11 BY MR. GAMBLE:

12 Q Was this all told to you at the same time you received
13 the first report?

14 A No.

15 Q This was the subsequent explanation?

16 A Oh, as we were -- as we were told that they were going
17 to a general emergency, and I recall Dick -- I think -- I'm sure
18 it was Dick Dubeal on the phone talking to both Maggie and me,
19 saying what the dome monitor reading was, and he was having
20 the calculations performed at the point. It may have taken a
21 few minutes, but we also -- he also informed us of the pressure
22 what the pressure was in the containment building, and that it
23 had not increased significantly, and it was nowhere near design
24 pressure, so he wouldn't have expected these numbers to be over

25 Q So let me make sure I understand it. It is in this

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1 order. First you learned about the dome monitor reading, and t
2 as they were performing the calculations, he talked about the
3 pressure and those things, and then at the tail end of that
4 conversation, you got the calculated reading. Is that the orde

5 A That's about what I remember.

6 Q All within this general conversation?

7 A Yes. And I was asking questions while all this was
8 going on, Maggie was asking questions. "Do you have any people
9 over there now monitoring?" "No, we are starting to send people
10 over."

11 I was under the impression they were going to go over
12 by helicopter, for some unknown reason. I don't believe they
13 went over by helicopter. I thought there was a helicopter ther
14 and they were going over by helicopter, and get the readings.
15 They got the readings very quickly. At least the time was goin
16 by so darned fast. When we got the word back that they didn't
17 have any detectable activity over there, it (apparently was a lo
18 longer period of time than I had anticipated, early on, anyway.

19 BY MR. MOSELEY:

20 Q So there was action taken to notify PEMA after the
21 first prediction?

22 A Yes.

23 Q And then some time elapsed before PEMA was called bac
24 and said --

25 A Yes, they have in their logs what that time was, and

1 it appeared to be like an hour or something. But I don't
2 remember.

3 BY MR. GAMBLE:

4 Q And was it the reading on the other side of the river
5 that precipitated this second call to PFMA?

6 A Yes.

7 Q It wasn't an onsite reading, it was the actual reading

8 A No, it was the actual reading from across the river
9 saying they had found no detectable radiation across the river
10 in Goldsboro or down in the general vicinity.

11 BY MR. CRAIG:

12 Q Did you say earlier that --

13 A Excuse me. We told PFMA to be prepared to evacuate
14 to warn York County to be prepared to evacuate people, but not
15 to evacuate.

16 Q Did you say earlier you were told that the calculation
17 was for design pressure, but it was less than that, and they had
18 an onsite reading?

19 A No, that they didn't have onsite readings. They
20 had onsite reading that indicated no leaks.

21 Q They told you that?

22 A Yes, the people inside had detected no airborne
23 radioactivity.

24 Q Did they associate that with the 10-R per hour dose
25 projection in Goldsboro?

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1 A Yes.

2 Q To say that, "We don't really think it's real,
3 because"?

4 A Well, it's a combination of our saying that, and
5 they're saying, "Yeah, we know." I don't know who said it first
6 but they agreed they didn't believe that it was a real reading
7 in Goldsboro. We said, "Let's not take any chances, let's
8 get prepared just in case."

9 Q But based on an onsite reading, that was part of the
10 basis for not believing that?

11 A That and the very low pressure in containment.

12 Q Okay.

13 BY MR. MOSELEY:

14 Q Let me make sure -- I'm not sure that I'm not confused
15 and I don't want to leave it unclear on the record. Let me
16 tell you what my perception is from other testimony, and you can
17 correct me.

18 My perception is that first call indicated there
19 was this 10-R per hour, but there was some reason to question
20 the validity.

21 A It was a calculated reading based upon -- a
22 calculated dose rate based upon pre-planned offsite accident
23 measurements, using windspeed direction, chi over Q and so
24 forth.

25 Q Okay. And then it's my understanding that that result:

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1 in the call to PEMA.

2 A Right.

3 Q And then at some --

4 A We called PEMA.

5 Q You called PEMA, and then at some time later the
6 surveys were made onsite?

7 A No, no. The surveys had been made -- were being made
8 onsite at the time that call was --

9 Q But you didn't have the results?

10 A Yes, we had results that they were not able to detect
11 any activity on the island itself.;

12 Q And you had that information at the same time you were
13 told of the projection?

14 A Yes.

15 Q Not some minutes later?

16 A No. Not before -- we had that information before
17 we called PEMA, because when we called PEMA, we really didn't
18 believe there was any need to evacuate anybody, based upon
19 the onsite readings and based upon the pressure in the contain-
20 ment.

21 Q Then subsequently readings were taken across the
22 river which confirmed this discounting or, let's say, hesitancy
23 to believe anything in the first place; is that correct?

24 A That's right. And we received the information from
T.4 25 Met Ed that there were no -- that they detected no radioactivity

1 in Goldsboro.

2 BY MR. GAMBLE:

3 Q Can you tell from your notes, can you put some kind
4 of finger on the time this would have occurred? Your notes
5 started at 0730.

6 A It's probably in the letter.

7 BY MR. MOSELEY:

8 Q Maybe I can give it to you. You might can find it
9 quicker.

10 A No, it was after 7:30. It's a feeling, and I really
11 haven't tried to verify it one way or the other to determine
12 what these times were in the past year and a half, because I
13 didn't think it was that important, but I have a feeling it
14 happened some time between 7:30 and 8:00 o'clock. I believe
15 it was before Dornsfie arrived, and it was after Reilly got
16 there, so Reilly got there about 7:30, and then Bill came in as
17 we were doing things, and he was getting updated. I don't
18 think he was there when we were doing that, but I'm not positive
19 You know, the timeframe we -- it was prior to the office opening
20 up, and there was a meeting going on of all the department over
21 at some place in another building. We were sending people over
22 to get them, to bring the secretary back, and to keep -- you
23 know, try to inform as many people as possible, and to get our
24 staff back from the staff meeting that was being held.

25 There was an awful lot of information, a lot of

1 activity going on in our office at the time. So time went by
2 awful fast. I don't remember eating that whole day. I wasn't
3 even hungry. I lost about 10 pounds during the first three
4 weeks. I didn't eat much.

5 Q During the day, didn't you have a secretary manning
6 the phone, the direct line between your office and the site?

7 A We had secretaries manning the phone at some times
8 during the next -- during the first three weeks of the accident
9 but I don't believe we had a secretary on the phone during the
10 first day. We may have had a secretary on the phone just holdi
11 it until somebody came on, and then he would be given to somebo
12 else for information, but the secretary would not have received
13 information during that first 24 hours.

14 Q Okay. I was trying to get at maybe she took some
15 notes.

16 A No, not as far as I know. When we realized that the
17 accident was extending out, we started worrying about 24 hour
18 duty, who was going to cover, and we had girls from other
19 offices coming in and just sitting by the phone, waiting for
20 someone, and if there was a need from the utility side for them
21 to talk to somebody else, she would come and get us. If not,
22 she would just take down some information, and that's it. An
23 awful lot of the survey data was recorded that way.

24 Q But your belief now was this was after March 28?

25 A That we had a secretary who was taking down informatio

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1 Q Yes.

2 A Yes. I think --

3 BY MR. GAMBLE:

4 Q Mr. Gerusky, during the time interval from when you
5 received the calculated dose rate of 10-R per hour, and when
6 you received the actual Goldsboro other-side-of-the-river
7 measurements that caused everyone to discount the calculated
8 reading, was there any other information passed during that
9 time, any other onsite measurements or any other kind of inform
10 tion which would tend to discount the original reading?

11 A I don't remember. I know that we were not very -- we
12 didn't really believe that evacuation would have to take place
13 I don't think there was any time in there we felt we would have
14 to evacuate people. We just didn't want to take any chances,
15 even, until that reading came back.

16 BY MR. HOEFLING:

17 Q And how long was that, again?

18 A I don't know. I think in reconstructing it, or at
19 least the telephone -- the PEMA telephone duty log indicated
20 it may have been an hour, which surprised me a little bit the
21 first time I heard that, six months ago at another one of these
22 briefings.

23 BY MR. MOSELEY:

24 Q Going back, I have one more specific period to touch
25 on, as we have done in others. George Kunder, who is the utili

The Staff responded superficially to nearly all aspects of the Aamodt motion. The responses were based on false statements, some of which were cunningly contrived. The Aamodts requested a retraction of two statements where were so blatantly factually false, that to allow them to stand unchallenged was intolerable. See Section 3.6, pp. 15.

The Staff reiterated Licensee's argument concerning the Gerusky testimony, and as with the Licensee, provided no transcript citations or quotations. See pp. 3-6.

3.1 There is no way that the Licensee and the Staff could believe that Gerusky "corrected" his May 3, 1979 testimony in an October 1, 1980 interview.

On May 3, 1979, Gerusky testified as follows concerning TMI personnel's first report of offsite surveillance:

In the meantime, I requested them to try to get their teams somehow to Goldsboro, and they said that the State Police helicopter was there and that they would get one of their teams up in the air and over Goldsboro. We stayed on the phone with them. They found no radiation levels onsite or in Goldsboro that would indicate any kind of a leak. So therefore, we then notified the Civil Defense to hold tight. This was all before 8:00...

Exhibit A, pp. 14 (emphasis added)

On October 1, 1980, eighteen months after the accident, the NRC Staff attempted to shake Gerusky loose from his May 3, 1979 testimony. The Staff confronted Gerusky with a document alleged to be a Pennsylvania Emergency Management Agency (PEMA) log, which it can be presumed, was in conflict with Gerusky's May 3, 1979 testimony. See Exhibit F.

Gerusky was obviously affected by the Staff's attempt to influence his recall. He described the October 1, 1980 interview as a "briefing". He indicated that he had been briefed at another session with the NRC Staff six months before. See Exhibit F, pp. 41. Despite these outright attempts to influence Gerusky's recall, a thorough search of the October 1, 1980 interview transcript (pp. 33-41) does not provide any evidence that he changed his testimony. The Licensee and the NRC Staff knew that. The Licensee and the Staff did not identify precisely where they found Gerusky had "corrected" his May 3, 1979 testimony in the October 1, 1980 transcript, as they claimed in their responses.

Understandably, Gerusky responded haltingly during the October 1, 1980 briefing. He did not have his notes from the morning of the accident as he did during the May 3, 1979 interview. Nevertheless, he maintained that TMI personnel claimed offsite surveillance between 7:30 and 8:00 a.m. on the first day of the accident:

No, it was after 7:30. Its a feeling and I really haven't tried to verify it one way or another to determine what these times were in the past year and a half, because I didn't think it was important, but I have a feeling it happened sometime between 7:30 and 8:00.

I don't know. I think in reconstructing it, or at least the telephone...the PEMA telephone duty log indicated it may have been an hour, which surprised me a little bit the first time I heard that, six months ago in another one of these briefings.

Exhibit A, pp. 39, 41 (emphasis added)

The following responses of the Licensee and Staff are, therefore, wrong, and deliberately so:

The NUREG-0760 investigators then reinterviewed Mr. Gerusky and explored this inconsistency. Mr. Gerusky told the investigators that the Commonwealth had been informed of the Goldsboro dose rate prediction and of the onsite measurement before 8:00 a.m., but it was in fact an hour later that an actual measurement at Goldsboro was reported to the Commonwealth -- a fact evidenced by the PEMA log ... not surprisingly, therefore, the portion of the NUREG-0760 draft which relied on Mr. Gerusky's first interview was not included in the final report. See NUREG-0760 at 31-33.

It is evident, therefore, that there is neither new nor significant information concerning the Goldsboro dose rate prediction. The statements which might have appeared at one time to provide a basis for the Aamodt's contention -- Mr. Gerusky's 1979 interview -- have long since been publicly clarified by Mr. Gerusky himself.

Licensee Response, January 25, 1985, pp. 3,4

However, Mr. Gerusky has acknowledged that his statement, quoted in Attachment 4 to the Aamodt Motion, reflects an error in his recollection, and this error was corrected by Mr. Gerusky in an October 1, 1980 interview by the NRC Staff, where Mr. Gerusky indicated that it was about 9:00 a.m. when the Goldsboro measurement was reported to the Commonwealth. See October 1, 1980 transcript of NRC Staff Interview of Thomas Gerusky, excerpts of which are attached to Licensee's Response to Aamodt Motion dated January 25, 1985. The timing of of Licensee's report is evidenced by the Pennsylvania Emergency Management Agency log. Id.

Staff Response, February 4, 1985, pp. 4

The Licensee and Staff analyses (above) of the Gerusky testimony are wrong and dishonest.

3.2 The Licensee and Staff conveniently overlooked the testimony of other BRP employees in the May 1979 deposition

The Licensee and Staff responses made no mention of the testimony of two other BRP employees, William Dornsife, the a nuclear engineer, and Margaret Reilly, a health physicist, who also testified, along with Gerusky, on May 3, 1979. (The first 20 pages of this deposition are provided as Exhibit A.)

Following Gerusky's statement ("This was all before 8:00."), which referred to TMI personnel's claim that a survey in Goldsboro had discounted high predicted releases, Dornsife said, "The next notes we have is, about 8:30..." and went on to describe his preparations for briefing Lt. Gov. Scranton and a press conference.

Several conclusions can be drawn:

1. The times recalled by the BRP personnel were accurate.
2. There ^{were} no significant communications between 8:00 and 8:30 a.m.
3. Dornsife could not have prepared for his briefing of the lieutenant governor and the press conference at 8:30 a.m. if he had not already received information concerning offsite surveillance.

Therefore, either TMI personnel reported offsite surveillance to BRP prior to 8:00 a.m. or three BRP personnel collaborated to fabricate this assertion.

The Staff prefers the subsequent gross changes Miller and Dubiel made in their testimony. Suddenly, the day after Miller's testimony before SIG (above), Dubiel began the apparently uncomfortable change in testimony:

...I don't recall a time. I believe it was an hour later...
I thought one did (concerning the helicopter landing).
I have been led to believe...we requested a helicopter.
Which team got there first I don't know... (Exhibit B, pp. 10,11.)

The change in testimony is not credible. The Staff's preference for this incredible testimony is suspicious. The Staff may have participated in developing these changes; related matters are under DOJ investigation, we understand from media reports.

3.4 The fact that the NRC investigations do not reflect the Gamble conclusions is of no significance.

The development and content of NUREG-0760 has been an open question since 1981. DIA investigators questioned the appropriateness of NRC Staff non-investigators conducting depositions. DIA referred the matter to the Department of Justice in March 1981. Gamble, and another investigator Roger Fortuna, wrote in a memorandum of December 1, 1981 (Exhibit C) that "the facts warranted prosecution for willful misrepresentations, omissions, or violation of NRC regulations."

The Licensee Response (pp. 2) and the Staff Response (pp.3-4) imply that the failure of NUREG-0760 to include the Gamble reports ("working drafts") is evidence that cuts against the Aamndt Motion. The Licensee and Staff know better.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

This is to certify that ERRATA, AAMODT MOTION MARCH 6, 1985 was
and a letter of March 11, 1985 to the Commissioners were served on the
following Service List on March 11, 1985.

Margaret M. Arnold

SERVICE LIST

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

✓ Thomas M. Roberts, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

James K. Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mary E. Wagner, Esq.
U.S. Nuclear Regulatory Staff
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Ellyn R. Weiss, Esq.
Harmon, Weiss & Jordan
2001 S Street, N.W.#430
Washington, D. C. 20009

Thomas Y. Au, Esq.
Office of Chief Counsel
Department of Environmental
Resources
505 Executive House
P.O. Box 2357
Harrisburg, PA 17120

George F. Trowbridge, Esq.
Shaw, Pittman, Potts &
Trowbridge
1800 M Street NW
Washington, D. C. 20036

Three Mile Island Alert
315 Maclay Street
Harrisburg, PA

Tom Devine, Esq.
Government Accountability
Project
1555 Connecticut Avenue
Washington, D. C. 20036