

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMISSION MEETING

ORAL PRESENTATION BY PARTICIPANTS
ON LIFTING IMMEDIATE EFFECTIVENESS
OF 1979 SHUTDOWN ORDERS FOR TMI-1

Docket No.

PUBLIC MEETING

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(202) 293-3950

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D I S C L A I M E R

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 ORAL PRESENTATIONS BY PARTICIPANTS
5 ON LIFTING IMMEDIATE EFFECTIVENESS
6 OF 1979 SHUTDOWN ORDERS FOR TMI-1
7 (Public Meeting)

8 - - - - -

9 Room 1130
10 1717 H Street, N.W.
11 Washington, D.C.

12 Wednesday, May 22, 1985

13 The Commission met, pursuant to notice, at 2:10
14 o'clock p.m.

15 PRESENT:

16 NUNZIO J. PALLADINO, Chairman of the Commission
17 THOMAS ROBERTS, Commissioner
18 JAMES ASSELSTINE, Commissioner
19 FREDERICK BERNTHAL, Commissioner
20 LANDO ZECH, Commissioner
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22
23
24
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P R O C E E D I N G S

(2:10 p.m.)

CHAIRMAN PALLADINO: Good afternoon, ladies and gentlemen.

The purpose of this afternoon's meeting is for the Commission to hear all presentations on the question of whether or not the effectiveness of the 1979 shutdown orders for TMI-1 should be lifted when the Commission votes on this issue.

We have a large number of speakers this afternoon and a limited amount of time, so I ask each participant to adhere to his or her allotted time. Only in this way is the Commission assured of being able to hear from all of the speakers this afternoon. The list and order of speakers is available at the entrance to the room.

Approximately halfway through the meeting, I will call for a ten-minute recess. It may have to be fifteen.

I have been informed that Senator Heinz is in transit and may be unavoidably delayed. He is scheduled to be the second speaker today. If he has not arrived by that time, we will move on to other speakers and return to Senator Heinz after he arrives.

I have also been informed that some attendees may be planning demonstrations at today's meeting. Such activities would be not only discourteous, but disruptive to the

1 speakers, the other public attendees, and the Commission.
2 Therefore, I ask all of the audience to please keep this
3 meeting orderly, without demonstrations.

4 At this time, let me ask if other Commissioners have
5 any opening statements they would like to make.

6 [Chorus of no's]

7 CHAIRMAN PALLADINO: Then let me introduce and turn
8 the meeting over to Governor Thornburgh from the Commonwealth
9 of Pennsylvania.

10 GOVERNOR THORNBURGH: Thank you, Mr. Chairman.

11 [Applause.]

12 STATEMENT OF THE HONORABLE RICHARD THORNBURGH, GOVERNOR OF
13 THE COMMONWEALTH OF PENNSYLVANIA

14 GOVERNOR THORNBURGH: Mr. Chairman and members of
15 this Commission, more than nine months ago when I first
16 appeared before you in this room, you asked if I thought the
17 time and conditions were appropriate for a vote on the
18 resumption of nuclear power generation at the undamaged Unit 1
19 reactor on Three Mile Island. My answer then was no, and my
20 answer now is no.

21 [Applause.]

22 CHAIRMAN PALLADINO: Will you please restrain
23 yourselves. Thank you.

24 GOVERNOR THORNBURGH: I must give this answer,
25 despite the fact that I am not now nor have I ever been an

1 ideological opponent of commercial nuclear power. On the
2 contrary, I believe it can and ought to reclaim a positive
3 role in helping to meet our long-term energy needs. But I
4 also believe that before this is possible, before the national
5 debate over the future of this awesome technology can be moved
6 off of dead center, this Commission and the nuclear industry
7 have an obligation not only to acknowledge that the accident
8 at Three Mile Island never should have happened in America,
9 but to assure us that it never will be allowed to happen
10 again.

11 Mr. Chairman and members of this Commission, I
12 respectfully submit that you have not, and indeed you cannot,
13 give us that assurance, based on the facts and the record at
14 your disposal.

15 Last August, I reiterated the position I have held
16 through six long years of deliberation on the fate of this
17 troubled facility, a position which you and your predecessors
18 often have professed to share. It is nothing more or less
19 than what it appears to be, a simple request on behalf of
20 those who lived through the crisis at Three Mile Island, a
21 request that you settle all of the issues relating to their
22 health and safety and to the integrity of their environment
23 before you even think about cranking up that reactor again.

24 [Applause.]

25 This is not a complicated position. It is not a

1 tactical position. It is not a political position. And it is
2 not, I assure you, some sort of subterfuge for obstruction.

3 The irony of this meeting, in fact, is that I was
4 beginning to believe during the past winter that we were
5 heading toward a responsible solution of ~~these~~ issues, and
6 that I might have had a very different conclusion to share
7 with you on this ~~occasion~~. I want you to understand that this
8 still is not an unreasonable prospect.

9 This Commission, the Commonwealth of Pennsylvania,
10 and other parties frequently have worked together over the
11 past six years to resolve problems that confronted us after
12 that unforgettable spring of 1979. With the help of studies
13 conducted at my request, for example, by the Union of
14 Concerned Scientists and the National Council on Radiation
15 Protection and Measurements, we were able to support your
16 approval of the controversial venting of krypton gas from the
17 damaged Unit 2 facility in 1980. And that necessary prelude
18 to the radiation clean-up operation proceeded peacefully in
19 what earlier had been a very angry and divided community.

20 With the support of a broad range of parties, we
21 also were able to advance our national clean-up plan from the
22 shaky ground upon which many felt it stood when I first
23 proposed it in 1981 to the virtual fulfillment upon which it
24 is poised today.

25 With the help of this proceeding, in some cases

1 through the mere existence of this proceeding, we have been
2 able to overcome resistance to improved operator training to
3 restrictions on the use of cheating operators and to various
4 standards relating to the physical quality and conditions of
5 the plant itself. With these advances and with hearings
6 either underway or promised following my visit to you last
7 August, it appeared for the first time that our people might
8 indeed receive all of the answers they deserved before being
9 asked to accept a new start for Three Mile Island.

10 That is why I found your February 25th declaration
11 that no further hearings are warranted to be ill-timed,
12 ill-conceived, and frankly inexplicable.

13 [Applause.]

14 Despite the length of the years and the weight of
15 the paperwork, your record is not now complete, and if your
16 order is allowed to stand, it never will be sufficiently
17 complete to justify a restart.

18 Management competence and integrity are among the
19 most important issues raised in this proceeding for the
20 health, safety and peace of mind of hundreds of thousands of
21 people will be dependent not only on the quality of the plant
22 itself, but on the character and commitment to safety of those
23 who run it as well.

24 One must wonder how much time and how many pages of
25 testimony all of us might have been spared if there had been a

1 consensus for excellence at the very beginning of this
2 process.

3 [Applause.]

4 One must wonder if we would even be here today, in
5 fact, if the company, the industry, and the Commission had
6 resolved from the first not only to answer every safety
7 question raised by others, but to raise and answer even more
8 of them on their own, if there had been a resolve from the
9 first not merely to meet minimum standards, but to make TMI
10 the model of safety and quality for the entire nuclear world,
11 if there had been a resolve, in other words, to put TMI ahead
12 of the national nuclear safety movement and to fully address
13 all of the issues from the outset.

14 Instead, we have been tugging and pulling on issue
15 after issue for six long years, and the exercise has done
16 little to assure the public that the TMI company of 1985
17 represents a significant change in attitude from the TMI
18 company of 1979.

19 [Applause.]

20 Our people deserve that assurance, Mr. Chairman, and
21 that is why the issues of management competence and integrity
22 cannot and must not be separated from the issue of restart
23 safety.

24 As I said last August, a fundamental question not
25 yet answered in a public forum must be resolved through open

1 hearings. That question is whether the actions that led to
2 the federal indictment and conviction of Metropolitan Edison
3 Company on criminal charges -- namely, the intentional and
4 systematic falsification of leak rate test results at Unit 2
5 -- whether those acts were directed or condoned by any members
6 of the current management of Unit 1.

7 Given the nature of nuclear power, the history of
8 this particular plant, and the company's apparent interest and
9 success in avoiding a public trial on this matter, I find it
10 disturbing, to say the least, that you would entertain a
11 restart vote without a full and open hearing of your own.
12 Your offer of a substitute proceeding to be conducted apart
13 from the restart does not meet that need.

14 Our objective is to be assured before restart that
15 health and safety interests will not be compromised by the
16 kind of behavior that actually was found to have been criminal
17 in the past. This objective obviously cannot be served by a
18 hearing conducted after the fact, nor can it be served by your
19 proposed exemption from such an examination of various
20 officers and directors of the company. It can only be served
21 by full and open hearings, and to this and other issues of
22 management competence and integrity, and I urge you once again
23 to postpone your vote, convene those hearings, and allow the
24 truth to emerge.

25 [Applause.]

1 CHAIRMAN PALLADINO: Ladies and gentlemen, in order
2 to have an orderly proceeding, would you please refrain from
3 applauding, at least until the end of the speaker's remarks?

4 GOVERNOR THORNBURGH: As you know, the Commonwealth
5 has filed various documents with you and with the United
6 States Court of Appeals for the Third Circuit in Philadelphia,
7 documents which elaborate on those safety matters, and I
8 believe that those are safety matters which I believe you have
9 yet to adequately address and resolve. These documents
10 clearly and precisely state the specific concerns that I have
11 at this time about Unit 2 leak rate falsification, about leak
12 rate testing at Unit 1, about alleged manipulation of a report
13 on the accident itself, and other matters set forth in more
14 detail.

15 I have to point out, however, that the list of
16 concerns has been subject to change over the years, due not
17 only to the settling of some issues, but to the emergence of
18 new ones as well, such as grand jury findings, the shifting
19 opinions of your own staff, and the condition of steam
20 generator tubes.

21 It is my belief that the Commission, like the
22 company, could have shortened this entire process by
23 anticipating and settling such issues on its own, rather than
24 waiting for others to raise them on a prolonged case-by-case
25 basis. It is my belief that the Commission, like the company,

1 bears the preeminent responsibility to be specific about what
2 can and ought to be done to make this facility a model of
3 safety and good management, and then to act accordingly. And
4 it is my belief that the Commission, like the company, has a
5 solemn obligation to fulfill that responsibility and accept
6 its full burden of proof in this case, prior to any decision
7 on Unit 1 restart.

8 Mr. Chairman and members of this Commission, I
9 realize that none of you was on this Board when an open valve
10 and subsequent human error transformed Three Mile Island into
11 the world's most infamous nuclear power plant. None of you
12 can be expected to remember the faces of young mothers and
13 children who fled to a sports arena to escape a threat that
14 they could not see or touch or hear or smell, indeed a threat
15 that they could hardly even comprehend.

16 None of you can be expected to remember the
17 confusion, the anxiety, the false alarms, and the sirens that
18 forced a stable and innocent community to the brink of panic.

19 None of you can be expected to remember the grocery
20 store signs that proclaimed, "We do not sell Pennsylvania
21 milk," or the jokes, exaggerations, and outright ridicule that
22 were showered on this community and its people, simply for
23 being in the wrong place at the wrong time.

24 No, none of you can be expected to remember or
25 appreciate what it was like for the people of central

1 Pennsylvania in the spring of 1979. But I do, and so do
2 they. It was there and then that I resolved to do all that I
3 could for the remainder of my service as Governor to see that
4 neither human nor technological error ever would be allowed to
5 threaten these good people again. And it is here and now that
6 I must ask you and ask the company and ask every other party
7 in this proceeding to join in that pledge.

8 One of the clearest lessons we learned from the
9 crisis of 1979 was that practicing restraint under pressure is
10 a far wiser course than gambling with decisions made in the
11 dark.

12 I must ask you to apply that lesson now. Don't
13 gamble in the darkness of no further hearings.

14 [Applause.]

15 Make sure, absolutely sure, that you have turned on
16 every available light that you can and turned it on every
17 possible question affecting the health and safety of those who
18 live in the shadow of Three Mile Island and the integrity of
19 their environment.

20 Mr. Chairman and members of this Commission, there
21 should be no other choice.

22 Thank you.

23 [Applause.]

24 CHAIRMAN PALLADINO: Would you please remain seated.

25 [Applause.]

1 CHAIRMAN PALLADINO: Thank you, Governor
2 Thornburgh. We very much appreciate your comments. We
3 welcome your comments this year, as we did last year. Much
4 has been accomplished during the past year. I know you do not
5 agree with the action of the Commission with regard to the
6 hearings and the decision on the hearings. Nevertheless, we
7 are trying to accomplish some of the very things that you have
8 pointed out.

9 I should point out, I was in Pennsylvania -- as a
10 matter of fact, I spent ten days at Three Mile Island during
11 the course of that incident, so while I am not as familiar
12 with all of the details as you are, I am familiar with quite a
13 few of them.

14 Let me ask if any of my fellow Commissioners have
15 comments or questions at this time?

16 COMMISSIONER ASSELSTINE: I would join you, Joe, in
17 expressing our appreciation to Governor Thornburgh for coming
18 today. I think we are indebted to him for taking the time to
19 come down and talk to us today and to present his comments. I
20 think most, if not all, of the points he made, I find myself
21 in agreement with, particularly on the hearing issues. I
22 think that's very valuable. Thank you.

23 COMMISSIONER BERNTHAL: I would just echo what
24 Commissioner Asselstine has said. I appreciate your coming
25 down today, Governor. Very eloquently put.

1 As you know, I suppose I also was not party to the
2 majority decision on the question of hearings, and I concur in
3 your judgment that it is an issue of public confidence that
4 we're talking about here, irrespective of what the legalities
5 of the situation might be. Thank you.

6 GOVERNOR THORNBURGH: Thank you.

7 COMMISSIONER ZECH: Thank you very much, Governor,
8 for your views. We appreciate it very much.

9 GOVERNOR THORNBURGH: Mr. Chairman, thank you.

10 CHAIRMAN PALLADINO: We appreciate it.

11 At this time, Senator John Heinz.

12 STATEMENT OF THE HONORABLE JOHN HEINZ, SENATOR FROM THE
13 COMMONWEALTH OF PENNSYLVANIA.

14 SENATOR HEINZ: Mr. Chairman, thank you very much.

15 Mr. Chairman and members of the Commission, first
16 let me thank you very much for the opportunity to testify
17 before this Commission prior to your decision on whether to
18 restart Three Mile Island Unit 1.

19 It has been six years, Mr. Chairman, six years since
20 that day in March 1979 when the words "Three Mile Island"
21 entered into the language as a synonym for nuclear accident.
22 To some, the issue we are here to discuss, the restart of the
23 undamaged Unit 1, has nothing to do with what happened six
24 years ago. We all know this accident involved Unit 2. Unit 1
25 was shut down at the time.

1 This Commission correctly, in my judgment, ordered
2 Unit 1 to remain shut down until further notice. Unit 1 had
3 nothing whatever to do with our nation's worst nuclear
4 accident.

5 Why, then, has the restart of Unit 1 been so
6 controversial? Why have we been wrestling with this matter
7 for six years?

8 This Commission acted to shut down Unit 1 because of
9 uncertainty, uncertainty over whether it would be safe to run
10 Unit 1 only two hundred yards away from damaged Unit 2,
11 uncertainty over what had caused the accident at Unit 2, and
12 whether the same conditions that caused it might exist at
13 Unit 1.

14 Now since the time of the accident, some of the
15 uncertainties, as Governor Thornburgh alluded to in his
16 excellent statement, some of those uncertainties which led
17 this Commission to issue the shutdown order have been
18 resolved.

19 Unit 2 is being cleaned up. We now have a pretty
20 good idea of what caused the accident. However, we have also
21 learned, we also know that Unit 2 operators routinely
22 falsified leak rate data. We know that federal officials were
23 lied to, both in the early stages of the accident and later.
24 We know this Commission's staff has made inconsistent
25 statements about the competence of GPU's management.

1 Those are the things we know, Mr. Chairman. But
2 what troubles me even more is what we do not know.

3 Now for example, I have publicly requested on three
4 separate occasions -- I have sent you documents in each case
5 -- that this Commission conduct public hearings on the
6 question of management integrity and management competence and
7 on the safety issues raised by the repair of steam tubes in
8 Unit 1. I am not the only one to have made those requests,
9 either for public hearings or on those specific issues. Our
10 Governor has, and so have several other members of the
11 Pennsylvania Congressional delegation.

12 The Commission has repeatedly responded to such
13 requests by postponing a restart decision, but it has
14 continually refused to hold such public hearings.

15 Now asking for a public investigation of safety and
16 management integrity issues is not a frivolous request. There
17 are serious allegations. Enough responsible people,
18 Mr. Chairman, are making them in order to give reasonable
19 cause for open and public inquiry. The public has a right to
20 have those allegations dealt with on the record in a public
21 hearing.

22 The way not to do it, Mr. Chairman, is to restart
23 Unit 1 and then just see what happens. Failure to hold
24 hearings creates the appearance, deserved or not, of a
25 cover-up of something by someone, and such appearances only

1 serve to undermine the credibility of this Commission. In
2 other words, people can only ask, "What is the Commission
3 trying to avoid? What are they afraid they will find on the
4 public record?"

5 Mr. Chairman, given your dedication to restoring the
6 reputation of the Nuclear Regulatory Commission -- and you
7 have done much to improve its performance, and in so many ways
8 -- I know, Mr. Chairman, that that is the last result that you
9 think, namely an undermining of the credibility of this
10 Commission.

11 But, Mr. Chairman and my distinguished
12 Commissioners, I do urge you to hold public hearings on the
13 safety issues, on the issues of management integrity and
14 competence, and I urge you once again to postpone any restart
15 decision until you do so.

16 For example, the NRC, through public hearings, needs
17 to make a specific finding as to whether any member of the
18 current management of GPU was involved in or condoned the leak
19 rate falsification which occurred prior to the accident.
20 GPU's management was absolved in a criminal proceeding, but
21 that was part of a plea bargain and was hardly a definitive
22 finding that members of GPU's management were not in some way
23 party to the falsification of leak rate data.

24 I recognize that even specific findings pursuant to
25 public hearings may never resolve all of the doubts of all of

1 the people, but it would go a long way to relieve the concern
2 of so many that the Nuclear Regulatory Commission is avoiding
3 these critical integrity, competence, health and safety
4 issues.

5 So in short, I am here to ask you to examine the
6 evidence in public, so that there is a sound basis for making
7 a decision on restart, whatever that decision may turn out to
8 be, based on those public facts on the record.

9 Mr. Chairman, I believe that the people who live and
10 work within the shadow of Three Mile Island deserve and expect
11 no less.

12 Mr. Chairman, I thank you and the members of the
13 Commission for your attention.

14 [Applause.]

15 CHAIRMAN PALLADINO: Thank you, Senator Heinz. I
16 believe your objectives and our objectives coincide. The
17 question is one of, have we done it the way some people think
18 we ought to have done it? We have explored management
19 issues. I do not want to draw any conclusions on that matter
20 as yet. We have tried and we had further hearings on
21 training. We have recently had hearings and received a Board
22 decision on the steam generator tube quality. So the efforts
23 have been there. Whether or not we have met all the
24 requirements that you have outlined, of course, is the
25 decision that we have to face, and we certainly are still

1 struggling with a number of the questions that you raise.

2 Let me again express my appreciation for your
3 personal attendance today. I think it is very heartening to
4 see such interest on your part.

5 Let me ask if my fellow Commissioners have comments
6 or questions?

7 COMMISSIONER ROBERTS: Thank you for coming.

8 COMMISSIONER ZECH: Thank you very much, Senator.
9 We appreciate it.

10 SENATOR HEINZ: Gentlemen, thank you.

11 CHAIRMAN PALLADINO: I understand Senator Specter
12 was called away for a short while, but he plans to be back.
13 Unless he has come back already, may we then proceed to the
14 next speaker, and we will take Senator Specter when he
15 returns.

16 The next speaker is Congressman George Gekas.

17 MR. GEKAS: Thank you, Mr. Chairman.

18 STATEMENT OF THE HONORABLE GEORGE GEKAS, REPRESENTATIVE IN
19 CONGRESS FROM THE 17TH DISTRICT OF THE COMMONWEALTH OF
20 PENNSYLVANIA.

21 MR. GEKAS: Mr. Chairman and members of the
22 Commission, thank you for granting me this opportunity to
23 appear before you. I have submitted before and ask you to
24 please consider my written statement as part of the record. I
25 will not read it, but simply allude to some remarks that

1 naturally emerge from that statement and begin by endorsing
2 heartily the statement of Governor Thornburgh and that
3 rendered by Senator Heinz as to the issues at hand.

4 I represent the 17th Congressional District of
5 Pennsylvania, in which area lies the plant and the effect of
6 Three Mile Island and the accident of 1979.

7 My purpose in coming to you today is simply to say,
8 rethink, reject restart. And I say that for all the
9 accumulation of reasons that have been propounded by the
10 Governor and by Senator Heinz and refer you to the original
11 report rendered by the Kemeny Commission, that Special
12 Presidential Commission that was commissioned at the time of
13 the accident or immediately following it to analyze the cause,
14 assess blame if they could, and to make recommendations for
15 the future of Three Mile Island and for the future of domestic
16 nuclear power, as it were.

17 And one of the striking comments made by that Kemeny
18 Commission was as follows: "The fundamental problems are
19 people related and not equipment problems. We have stated
20 that fundamental changes must occur in organization,
21 procedures, and above all in the attitudes of people. No
22 amount of technical fixes will cure the underlying problem."

23 Here we are six years later, at a different juncture
24 in the history of the accident at Three Mile Island, and that
25 statement still bears truth. The underlying problems are

1 those things which the Governor has stated and Senator Heinz
2 and which I endorse. We cannot begin the debate on restart,
3 let alone begin restart, not even the debate, until we resolve
4 these underlying problems.

5 These underlying problems are, in form and
6 substance, those that couch the questions of management
7 integrity. I, personally and professionally and in my
8 capacity as representative of the people of the 17th District,
9 cannot stomach the guilty plea, the convictions in Federal
10 Court, which for all time, to me, deter any possibility of
11 feeling that the management of this particular entity is
12 capable of proceeding in the best interests of our people or
13 of the nuclear industry or of the nation in the restart of
14 Unit 1.

15 [Applause.]

16 The question of adverse health effects, scant as
17 they might be at the moment, even scander, if that is the
18 proper word, even more scant is the attention given by this
19 Commission to the possibility of adverse health effects.

20 [Applause.]

21 I understand perfectly well the legalities and the
22 mandates of the Commission and the regulations and what is
23 your role in all of this process. I understand that very
24 well, and I do try very hard to objectively and professionally
25 and legally put myself in your position as to what you must

1 see and what you must do and what you must study. But you
2 cannot avoid, in the context of what is a worldwide
3 phenomenon, Three Mile Island, you cannot afford not to deal
4 with the health effects.

5 Even if you were to command restart tomorrow, God
6 forbid, if you would do that tomorrow, there will be a time
7 when the company that is operating is going to report some
8 small incident, some leakage of radiation, some emission that
9 may not harm anything or anybody in the objective criteria
10 that you have before us, but until you have extensive hearings
11 on the health effects that follow the actual accident, you
12 cannot predict or prevent what might occur with even an
13 uncommon, just an ordinary, routine type of emission that
14 might occur after restart, God forbid, should occur.

15 [Applause.]

16 So health effects is not an isolated issue. Health
17 effects are exactly that. What more can be said about health
18 effects than they affect the health? And that should be
19 enough.

20 Beyond that, something that perhaps you might label
21 me as naive in uttering, because I've uttered it so many times
22 that I think the only person I've been able to convince is me,
23 I cannot, for the life of me, understand how we can proceed
24 with restart of Unit 1 without completion -- and I mean
25 completion -- of clean-up of Unit 2.

1 [Applause.]

2 CHAIRMAN PALLADINO: Please let the speaker
3 continue.

4 MR. GEKAS: The clean-up of Unit 2, in my judgment,
5 which is festering like a monster down there, which has more
6 capabilities of danger and adverse health effects than we give
7 credit at this moment, that clean-up has to have the benefit
8 of the full concentration of resources and personnel of the
9 operating entity, with all the help that the entire world can
10 give it. I am talking about the Congress. I am talking about
11 the Japanese Government, who is interested in Three Mile
12 Island and all of its consequences. The whole gamut of help
13 that it can secure for clean-up.

14 No one can convince me, and I'm trying to convince
15 you -- I've convinced one person so far, me -- that restart of
16 Unit 1 will not detract from full concentration on the mammoth
17 job of clean-up. That is the salient portion of my testimony.

18 I took an opinion poll shortly after the accident
19 occurred, and although you might say that it was couched in an
20 atmosphere so close to the accident itself that it may not be
21 valid, it was an overwhelming rejection of the idea of
22 restart, let alone actual restart. A later referendum, with
23 which you are familiar, consolidated that opinion of the local
24 people, and I know what credibility you give to that.

25 [Laughter.]

1 Just yesterday, I received another flood of names
2 and petitions which underlie the fact that the people there
3 are very apprehensive about the restart proceedings, the
4 restart itself, under the atmosphere which is now extant, both
5 in Washington and on the Island itself.

6 CHAIRMAN PALLADINO: George, the time is up.

7 MR. GEKAS: My time has expired. I ask you for
8 thirty additional seconds.

9 CHAIRMAN PALLADINO: Okay.

10 MR. GEKAS: In the thirty additional seconds, I
11 would simply say, rethink, reject restart. Thank you.

12 [Applause.]

13 CHAIRMAN PALLADINO: We thank you, Congressman
14 Gekas. I agree with you that one of the biggest problems we
15 have is that associated with the attitudes and the
16 characteristics of the people that are involved in any
17 operation and especially at TMI-1, and we have been very
18 interested and, I think, have been quite diligent in trying to
19 deal with those problems.

20 With regard to the question of health effects, this
21 Commission has supported and participated in quite a number of
22 health effects studies, and there is quite a list of them. I
23 don't have it before me, but we have sent the list to the
24 Congress, and we can make it available to you. I will have to
25 do it later. But we are interested in health effects, as you

1 well know. Nevertheless --

2 MR. GEKAS: But do you feel that adequate hearings
3 have been held on health effects?

4 [Applause.]

5 CHAIRMAN PALLADINO: Health effects are things that
6 you study and get information on.

7 MR. GEKAS: Well, one of the ways to study them,
8 Mr. Chairman, is to have hearings.

9 [Applause.]

10 The reason I say this, I am very much concerned
11 about a restart occurring, and then even in the training
12 session of the undamaged reactor, suppose there should be some
13 small, insignificant emission of radiation.

14 Can we -- can you tell us what the results of that
15 kind of emission would be? Are we going to fall back on the
16 pre-Three Mile Island data that we have as to what constitutes
17 an ill effect of a possible emission?

18 CHAIRMAN PALLADINO: The studies I referred to were,
19 in large part, done after TMI, after the TMI accident.

20 MR. GEKAS: I understand that. But the public
21 hearings are the ones which you may be able to use to satisfy
22 those queries.

23 CHAIRMAN PALLADINO: Other comments?

24 COMMISSIONER ASSELSTINE: Just a brief one.

25 CHAIRMAN PALLADINO: Would you please restrain

1 yourselves. We have to continue this meeting in an orderly
2 way.

3 COMMISSIONER ASSELSTINE: I don't think I need to
4 say anything more on the hearing point. I certainly find
5 myself in agreement with the comments that you make,
6 Congressman Gekas, as well as those made by Senator Heinz and
7 Governor Thornburgh on the health effects point.

8 I think that the recent health effects information
9 does have to be explored further. I agree with that point.

10 [Applause.]

11 That is why I have advocated that the Commission
12 itself go out and hire an independent, recognized expert to
13 look through that information and all of the other health
14 studies that have been done and at least give us some
15 preliminary feel for whether there is something new here that
16 really does have to be investigated further.

17 Now whether that can best be done by hearings or
18 some other means, I think at least getting an independent,
19 recognized expert to take a good thorough look at these things
20 to start with would at least be a step in the right direction,
21 and I am very sympathetic to the point that you made and to
22 the obvious concern that these recent studies have to have had
23 on your constituents and the other people who live in the
24 vicinity of the plant.

25 MR. GEKAS: Thank you, Commissioner.

1 COMMISSIONER BERNTHAL: Let me comment for a moment
2 on two of the issues that you have raised, Congressman Gekas.

3 On the health effects issue, I have to say that the
4 Commission has consulted at least all of the constituted
5 bodies in seeking the expertise of the Center for Disease
6 Control. The Pennsylvania Department of Public Health, of
7 course, has its own ongoing study, and, in fact, although
8 there are shadings of differences, perhaps, between
9 Commissioner Asselstine and myself on exactly what would be
10 the best way for the Commission to support that ongoing study,
11 to this date, the best of our Staff effort, the Center for
12 Disease Control and others have not given us good cause to
13 carry out those kinds of studies within our direct purview,
14 but I have urged, as did the Center for Disease Control, that
15 we support the Pennsylvania Department of Public Health in its
16 continuing study of possible long-term health effects in the
17 wake of the accident.

18 I want to make one other comment, and that is with
19 respect to clean-up of Unit 2, and I think retrospectively,
20 looking back over six years, almost anyone would agree that
21 that simply has not gone quite the way it should have and
22 could have, in my judgment.

23 If we could do things over, there is no question in
24 my mind that you are absolutely right, that that clean-up
25 should from the very beginning have had the full resources --

1 and until the end, I should add -- had the full resources of
2 the Federal Government behind it, and I can assure you that I
3 have searched, and if I could have found a way that the NRC
4 today, even, had the means that were available -- and we're
5 really talking about legal means here available to this agency
6 to force a further, more direct involvement of the Federal
7 Government to expedite that clean-up, I would have done so.

8 But the fact is, apparently, such means are not at
9 our disposal. I believe they were at the disposal of the
10 Commission some years ago, and that would have been a far
11 better path to take. That is history now, and unfortunately,
12 the clean-up does proceed, but I agree with you, it proceeds
13 too slowly.

14 That's all that I have to say, Mr. Chairman.

15 COMMISSIONER ZECH: Thank you, Congressman, for your
16 views.

17 COMMISSIONER ROBERTS: Thank you.

18 CHAIRMAN PALLADINO: I understand that Senator
19 Specter is back. Would you join us, please, at the table.
20 STATEMENT OF THE HONORABLE ARLEN SPECTER, SENATOR FROM THE
21 COMMONWEALTH OF PENNSYLVANIA.

22 SENATOR SPECTER: I regret the necessity to leave,
23 but the issue of the battleship Wisconsin was before the
24 Senate.

25 COMMISSIONER ZECH: A very important issue, Senator.

1 [Laughter.]

2 SENATOR SPECTER: They wanted to delete \$54 million
3 on a Navy ship which may come to Pennsylvania for repairs, so
4 you can see my concern, my hasty retreat, but let that not be
5 any indicator of my lack of interest in this issue. Let me
6 prompt return here indicate my great concern for the job which
7 you are doing and the issue that you are facing.

8 I urge the Nuclear Regulatory Commission to resolve
9 the issues of safety and competency of management, because so
10 many are awaiting the resolution of those issues. You have a
11 large contingency here today from the area which would be
12 affected by any problems. You have a large contingency of
13 consumers who are affected by rates. There are many involved
14 on the corporate side of the issue in terms of the value of
15 the companies, GPU and the others. There are a group of men
16 who await outside this building, urging a restart. So there
17 are an enormous number of issues and a number of people who
18 await the decision of this group, and I would suggest to you
19 that it is only this Commission which has the mechanical
20 prowess to hear the issues and to decide them, and I urge you,
21 as I did in December of 1983 and again in February of 1984, to
22 conduct those hearings and come to the conclusions yourselves.

23 After hearing a great deal from all factions of
24 Pennsylvania, I decided to conduct a hearing, which I did on
25 December 13th of 1983, and among twenty-five witnesses whom I

1 heard in Harrisburg, the case was stated most sensibly by the
2 NRC employee, Mr. Harold Denton, who said, and I quote: "It
3 is inexplicable why it has taken five years to get here."

4 Now that was a year and a half ago, and I think it
5 is more inexplicable as to why it has taken another year and a
6 half to come to where we are today.

7 I have written to the Commission, telling you of my
8 views as a United States Senator representing Pennsylvania,
9 and the relevant subcommittee chaired by Senator Simpson, the
10 Committee on Environment and Public Works, held a hearing on
11 February 23rd of 1984 where I urged this Commission, all
12 members then being present, to hold a hearing and to decide it
13 yourselves.

14 There is a multiplicity of procedural steps
15 involved, which are a maze of red tape. You have the NRC
16 Office of Investigation, the NRC Special Inquiry Group, the
17 Atomic Safety and Licensing Board, the Atomic Safety and
18 Licensing Appeal Board, and the Special Master. And what I
19 had urged at the outset was that this Commission be convened
20 one day, start, hear the evidence -- it might take five days;
21 it might take ten days; it might take seventeen days -- and
22 retire and deliberate and decide these issues of safety and
23 competency of management.

24 I reviewed the legal papers in the Court of Appeals
25 for the Third Circuit, and those are the same issues which the

1 Commonwealth of Pennsylvania continues to raise at this time.

2 When the proceeding was held on the subcommittee
3 chaired by Senator Simpson, Commissioner Gilinsky agreed with
4 my position. At that time, Commissioner Asselstine said, and
5 I quote from page 33 of the transcript: "We still are not in
6 a position today to reach a decision one way or the other."

7 And then Senator Simpson summarized the matter, and
8 his comments appear at page 35 when he said, "Management
9 integrity is an issue, but the real issue is the procedures of
10 the NRC." And then without reading all of it, he
11 characterized the procedures: "An extraordinary absurdity."

12 So that my suggestion to you as a public official
13 and as a litigator with some substantial experience, and
14 having been in the position of being required to find facts
15 myself on many, many occasions, is to urge you to hear the
16 evidence and to make a judgment on those two basic questions
17 -- competency of management and safety -- so that all of the
18 interests can be satisfied that are involved -- the residents
19 in the area, the consumers, corporate interests, the
20 shareholders, the building and trades people who want the
21 jobs, and have it resolved once and for all.

22 Let me suggest to you that this matter is being very
23 -- I was about to suggest that it is being closely watched,
24 but that would not be too much of a revelation to say to you
25 at this point -- but it is being very closely studied by the

1 Congress, and there are very serious considerations now as to
2 modifying the NRC to a single administrator to try to bring a
3 unity and an efficiency to the kinds of issues which you have
4 to face. And I am studying that legislation. My current
5 inclination is to introduce it, and there are others in the
6 Senate who share that view, and not solely because of TMI.

7 And I appreciate the complexity of the issues which
8 you men face on this Commission, but I would urge you to hear
9 the evidence yourselves. When you face these stacks of
10 materials, stacks of papers, it is just impossible to deal
11 with when there are so many assertions and counter-assertions,
12 that when you hear it yourselves, you have credibility, you
13 can decide it. But that is what I would strongly urge you to
14 do today, as I have eighteen months ago and a year ago.

15 CHAIRMAN PALLADINO: Thank you, Senator Specter. As
16 you know, procedures are one of the banes of our existence,
17 and I have looked to the Congress for some help. But
18 nevertheless, the issues have evolved over time. They have
19 not suddenly appeared or could be dealt with quickly. As a
20 matter of fact, I think already there have been hundreds of
21 days of hearings, in addition to other public meetings.

22 But certainly it is time for us to cope with what
23 facts we have and see where we come out.

24 Let me see if any other Commissioners have any
25 comments or questions.

1 COMMISSIONER ROBERTS: Thank you, Senator, for
2 coming. I certainly favor and support a single, strong
3 administrator.

4 SENATOR SPECTER: You do favor that, Mr. Roberts?

5 COMMISSIONER ROBERTS: Yes, sir.

6 SENATOR SPECTER: I am interested to know that.

7 CHAIRMAN PALLADINO: I think you already have
8 received communication from me supporting the single
9 administrator.

10 SENATOR SPECTER: The single administrator. I would
11 be interested to know of the other views, if anybody would
12 care to share them with me.

13 COMMISSIONER ZECH: I do support the single
14 administrator. And I thank you very much, Senator, for your
15 comments. I appreciate it very much.

16 SENATOR SPECTER: There is a majority present. I
17 think that is very impressive.

18 COMMISSIONER ASSELSTINE: Senator, let me say at the
19 outset that I certainly agree with the expression that you
20 made about the need for further hearings on some of these
21 integrity issues. We might disagree on who is best capable of
22 doing that, but I certainly agree that the hearings should be
23 held and that they should be held as expeditiously as possible,
24 so that the decision can be reached as soon as possible.

25 On the single administrator issue, I do not favor a

1 single administrator, and I think if you are concerned about
2 seeing these issues fully ventilated and fully aired and fully
3 resolved, you are not going to get that with a single
4 administrator, and my own view is that the commission form is
5 the best form, the big advantage being that you at least get
6 the issues considered by a range of people with different
7 backgrounds and experiences, and you hear different views.
8 And I think from the standpoint of you and the Congress, that
9 is the big benefit of having the commission form, and I do not
10 support the single administrator proposal that has been
11 advanced by some of my colleagues on the Commission.

12 [Applause.]

13 SENATOR SPECTER: Commissioner Asselstine, you may
14 be right. I do not know with certainty, and I am only
15 considering it, and I am talking to my colleagues. But the
16 delay in this case is a strong argument for a single
17 administrator and for some change, so that this case itself
18 has created that impetus.

19 COMMISSIONER ASSELSTINE: I would agree that when
20 you look back on the past six years and how long it has taken
21 to get to the point where we are, and I think that the view
22 that I had and I think that you share, that we are still not
23 to the point where we have all of the information that we need
24 to reach a judgment on the capability and the integrity of
25 this organization, that it has not gone well, that if one

1 could go back and start at the beginning, I think one could
2 think of a very different approach to dealing with this
3 utility and with the very difficult questions that have been
4 involved in this proceeding.

5 In fact, I am coming around more and more to agree
6 with our former colleague, Commissioner Gilinsky, that if we
7 had this to do over again, the thing would have been to do
8 much as you suggest, to have the Commission take these issues
9 on directly, deal with them, perhaps outside of the context of
10 our more formal hearing procedures that we followed in this
11 case, and simply face up to the question of, are these people
12 capable and fit to operate this plant? And if they are not,
13 what fundamental changes in the organization need be made to
14 put them in that position?

15 Having come as far as we have under the approach
16 that we have used, I am not sure that we can now go back and
17 convert to the other process. In fact, I think the crux of
18 the suit by the Commonwealth is that one must follow the
19 approach that we have taken and treat this proceeding as the
20 formal proceeding that was originally instituted and address
21 those integrity issues.

22 But I would be inclined to agree with you that were
23 we to do this over, we would have approached it in a much
24 different way with much more direct involvement by the
25 Commission itself. I am not sure that that issue hinges on

1 the single administrator versus the commission form of
2 organization, but I would at least agree with you in terms of
3 the problems that we have seen in the way that this proceeding
4 has gone.

5 SENATOR SPECTER: The difficulty which I see is that
6 you are no further advanced today than you were in February of
7 '84 when this group appeared before the Senate subcommittee,
8 and you are not further advanced than you were in December of
9 '83 when I held my hearings. And I have an instinct that at
10 some point in the future, you will not be any further advanced
11 either.

12 The Commission has the authority to have hearings on
13 your own, and if there is one thing that is sacrosanct under
14 our system of laws, it is procedural due process, and you
15 can discharge that by sitting and having hearings. And once
16 you have hearings and you have heard it all, you do not need
17 to review documents, and you can make a judgment, and then you
18 can say, and if you do that promptly, it is not a matter of
19 somebody coming in eighteen months later with other issues,
20 once you have decided them.

21 But the litigation review law is very extensive,
22 and the sooner you come to grips with that hearing issue, the
23 better off you are. And meanwhile, the uncertainty has
24 compounded the problem manyfold. These people are nervous and
25 apprehensive because it has gone on so long.

1 COMMISSIONER ASSELSTINE: I would agree with you
2 that we may not be much farther along, but I think that the
3 principal reason for that was the judgment by the Commission
4 that no further hearings needed to be held on those issues,
5 and I think that, more than anything else, has stymied the
6 search to really get the information that we need to lay these
7 issues to rest once and for all, one way or the other.

8 COMMISSIONER BERNTHAL: Senator, let me just make a
9 comment. First of all I think about a year ago -- and I
10 suppose I, a few months earlier, could have made the
11 suggestion -- but a year or so ago, I urged that the
12 Commission consider even at that late date taking up these
13 issues itself and taking a sweatbox approach and just sitting
14 here and hearing all of it with a Special Master, perhaps, and
15 clearing it up.

16 It may have been too late, actually, to make the
17 process more efficient, but as you, as an attorney, will
18 understand certainly better than I do, part of the problem in
19 this whole business is that this has been a funny kind of
20 hybrid proceeding. It has not really been an adjudicatory
21 proceeding; it's been partly enforcement and partly
22 adjudicatory. And my understanding of the history is that
23 that is how we got into this mess that we're in today.

24 That is an issue that I do not want to get into in
25 any depth. I do want to speak for just a short moment, if my

1 colleagues will indulge me. I gave a long speech already on
2 the idea of a single administrator, but that was yesterday in
3 a hearing on the hill, so I will not repeat that.

4 I am one of the skeptical, I guess, holdouts in
5 favor of the commission system here, and I say skeptical
6 because it is clear to me that in a very few years, you are
7 going to see passing from the scene of governance in this
8 country the idea of collegial decision-making and commissions
9 unless we can do something to make the process more efficient.

10 Now the Commission, within the last week in fact,
11 took one small incremental step in an attempt to improve the
12 efficiency of its processes, and that proved to be very, very
13 difficult. So that is one of the things we are up against
14 here.

15 I agree with Commissioner Asselstine. I think that
16 it should be allowed to work the way it should have worked and
17 should work and was intended by the public work. The
18 commission system has many safeguards built in that the single
19 administrator does not, for an issue that is as controversial
20 as is nuclear power.

21 But I have to say that I am wavering at this point
22 very much. I started out as a strong proponent of the
23 commission system, but I am not convinced that it is going to
24 be possible to fix the system to work the way it ought to.

25 That's all I've got to say.

1 CHAIRMAN PALLADINO: Any other comments?

2 [No response.]

3 CHAIRMAN PALLADINO: Thank you, Senator Specter. We
4 appreciate your participation here today.

5 SENATOR SPECTER: Thank you.

6 [Applause.]

7 CHAIRMAN PALLADINO: Our next scheduled speaker is
8 Congressman Bob Edgar.

9 STATEMENT OF THE HONORABLE ROBERT W. EDGAR, REPRESENTATIVE IN
10 CONGRESS FROM THE 7TH DISTRICT OF THE COMMONWEALTH OF
11 PENNSYLVANIA.

12 MR. EDGAR: Thank you very much for the opportunity
13 to testify before you.

14 As I sat and listened to our Governor and both of
15 our Senators and the Congressman who represents the area
16 around Three Mile Island and saw the unanimity of interest and
17 concern about your decision that you are about to make, I am
18 even more convinced than when I came here with a prepared
19 statement that your decision to restart, which is upcoming, is
20 wrong. I am opposed to a restart now at Three Mile Island,
21 and I want to make the record clear on that.

22 [Applause.]

23 Gentlemen, I spend a lot of time with the veterans'
24 community, and we deal with a lot of health issues. I chair
25 the Subcommittee on Hospitals and Health Care, and we have

1 jurisdiction over the largest health care system in the free
2 world. I know something about the atomic issue, because we
3 have 250,000 veterans who were exposed in one way or the other
4 to nuclear radiation.

5 But the issue that confronts me in looking at Three
6 Mile Island is more reminiscent of a health problem I find
7 with Vietnam veterans. We labeled it "post-traumatic stress
8 disorder," and perhaps for your hearings today, we ought to
9 relabel it "post-traumatic nuclear stress disorder."

10 It is not just whether or not it is technically
11 feasible to go to a unit like Unit 1 and physically turn the
12 key and have the mechanical mechanisms work on this nuclear
13 plant. The question is, how do the people feel? What are the
14 real health issues that need to be raised? How about the
15 confidence in the management of those who will operate the
16 system?

17 It is an issue of human lives, human beings, human
18 people, families who were traumatized.

19 I smiled when the Governor talked about the faces
20 that he saw of the people in the shelters, concerned about
21 what was taking place on that eventful day when Three Mile
22 Island Unit 2 went down. I remember exactly where I was that
23 afternoon. I was in the Governor's office talking to Governor
24 Thornburgh, watching his face and the pain that he was
25 struggling with with the information that he had.

1 I don't think that that trauma has been relieved.

2 [Applause.]

3 And while for some, it is important to get Unit 1
4 back on line, for the jobs that are involved and the economic
5 development for Pennsylvania, -- and I am not unsympathetic to
6 the half million Pennsylvanians who are out of work and
7 unemployed, and I am not unsympathetic to the issues that
8 surround this very painful decision -- but assuring public
9 safety and integrity of the regulatory process is far more
10 important, and that the Commission should at this time
11 schedule a vote on restart, I believe, is ill-advised and
12 irresponsible.

13 [Applause.]

14 There is still a large number of issues that need to
15 be resolved before a restart decision can be reached. The
16 questions of the management integrity of the contractor, the
17 adequacy of Three Mile Island's steam generator repair, and
18 the possibility of new information and additional health
19 questions that need to be raised, I think you have to raise
20 those questions first.

21 Last month, Governor Thornburgh said the following:
22 "There should be no choice at all between resolving the safety
23 questions before cranking up a nuclear reactor or simply
24 putting off those questions and crossing our fingers." I
25 agree with Governor Thornburgh.

1 Perhaps all of these questions will be resolved
2 favorably in the future, but I do not think that we can afford
3 to take a chance and assume that they will be. The
4 responsible course to follow is to answer questions first and
5 then proceed. The people who live near the plant deserve no
6 less.

7 In closing let me say that if, in fact, there are
8 physical or, in fact, mental stress that is impacting on the
9 people surrounding this particular plant, no question should
10 be left unanswered before you move to turn the switch and
11 ignite the fires and start Unit 1.

12 [Applause.]

13 I urge you to put off your decision.

14 [Applause.]

15 CHAIRMAN PALLADINO: Congressman Edgar, I, too,
16 agree that the safety issue should be solved before we start
17 TMI up, or before we start any reactor up. I certainly
18 believe the Commissioners have always been working toward that
19 goal.

20 A great deal of attention has been given to
21 management issues. Whether or not it is sufficient, is a
22 matter, of course, that could be debated. We have given
23 attention to the steam generator question. We have had a
24 recent Board decision that would allow us to operate. We have
25 given additional attention to training, the adequacy of the

1 operators to perform, and to the organization.

2 So, these are the issues that we actually are
3 dealing with. And I am not trying to prejudge them, but our
4 goal certainly has been the same goal as the one that you put
5 forth.

6 MR. EDGAR: Mr. Chairman, even if you come to the
7 positive conclusion on all of the physical questions that need
8 to be asked, I think there is the human quotient, and that is
9 what Governor Thornburgh, Senators Heinz, Spector and Congress
10 Gekas and myself are trying to state as clearly as we can. It
11 is not just a matter of turning on the engines and restarting
12 unit 1, it is a matter of looking at the human impact.

13 (Applause)

14 CHAIRMAN PALLADINO: Are there other comments?

15 COMMISSIONER ROBERTS: Thank you very much.

16 COMMISSIONER ZECH: Thank you very much.

17 COMMISSIONER ASSELSTINE: Thank you.

18 COMMISSIONER BERNTHAL: Thank you. We appreciate
19 your coming.

20 CHAIRMAN PALLADINO: We appreciate your coming.

21 Our next speaker is Congressman Don Ritter.

22 (Applause)

23 STATEMENT OF THE HONORABLE DON RITTER, REPRESENTATIVE IN
24 CONGRESS OF THE 15TH DISTRICT, COMMONWEALTH OF PENNSYLVANIA.

25 MR. RITTER: I did not know I would get a hand this

1 early.

2 COMMISSIONER BERNTHAL: Enjoy it while it lasts

3 (Laughter)

4 MR. RITTER: Chairman Palladino and Commissioners, I
5 appreciate the opportunity to appear before you today. My
6 name is Don Ritter. I represent the 15th Congressional
7 District in Pennsylvania, and I am speaking today on behalf of
8 myself and the other members of Congress who have signed on to
9 my remarks.

10 I would like to point out that in addition to those
11 you have already heard from the State of Pennsylvania today,
12 there are nine others including myself. And I would like to
13 name those others who have signed on to the nature of my
14 remarks: Joseph M. Gaydos, Democrat; Austin J. Murphy,
15 Democrat; John K. Murtha, Democrat; Joseph P. Courter,
16 Democrat; Robert A. Borski, Jr., a Democrat; Thomas J. Ridge,
17 a Republican; William F. Klinger, Jr., a Republican; and Bud
18 Shuster, a Republican.

19 In addition, there are some thirteen other House and
20 Senate members who have signed on to these remarks.

21 Your meeting today, and next week's scheduled vote
22 on whether to lift the shutdown order for Three Mile Island
23 Unit 1 will finally provide an answer that has been foremost
24 in the minds of a large segment of the citizens of
25 Pennsylvania, and is of deep interest to the nation as a

1 whole.

2 Your responsibility is not an easy one. Public
3 concern during the last six years about nuclear power in
4 general, and TMI specifically, has continuously focused
5 attention on the Nuclear Regulatory Commission and its members
6 to assure public health and safety.

7 The NRC's administrative process on the restart of
8 TMI-1, has often appeared tangled and confused, with partial
9 initial decisions leading to appeal, resulting in reopened and
10 remanded hearings at every turn. Numerous decisions made by
11 the Atomic Safety and Licensing Board have been reviewed, and
12 where necessary, resolved by the Atomic Safety and Licensing
13 Appeal Board. However, that is behind us today.

14 To our opinion, the TMI-1 restart record is now
15 complete. You, the Commissioners must now weigh the
16 adjudicatory record created during the nearly six years of
17 hearings, and decide whether TMI-1 may or may not restart.

18 These hearings have been characterized by one of the
19 most adjudicated proceedings ever conducted under the Atomic
20 Energy Act encompassing over 160 days of evidentiary hearings
21 involving more than 190 witnesses. That is nearly one-half a
22 year of hearings having been held. Nearly 40,000 transcript
23 pages of evidence have been compiled.

24 The ASLB has issued over 1200 pages of decisions.
25 Appellate review of these decisions has totalled in excess of

1 1000 pages.

2 These statistics reflect only the final proceedings
3 before the Administrative Boards. And the ASLB received and
4 considered more than 2000 written limited appearance
5 statements and over 200 limited appearances involving oral
6 statements. You also have received countless written and oral
7 statements from concerned citizens, the general public,
8 elected officials and members of Congress during this
9 proceeding.

10 No one can tell you what decision to make. The
11 record must speak for itself. That record shows that the
12 Atomic Safety and Licensing Board has found that TMI-1 can be
13 operated safely so as to assure public health and safety.

14 (Applause)

15 (Chorus of boos)

16 You have decided that no further hearings are
17 necessary. We support that decision. The record as it stands
18 today is sufficient to make a determination on the merits of
19 whether TMI-1 may restart.

20 Further, members of Congress are not alone in their
21 belief that a balanced decision can be based on the existing
22 record. We heard testimony from our distinguished Governor,
23 Mr. Don Baily, newly-elected Auditor General of the
24 Commonwealth of Pennsylvania and former member of Congress
25 who is heavily involved in nuclear energy matters. He is

1 urging the Commission to move forward on a restart decision.

2 Mr. Bailly, in his letter of May 21, 1985 to Chairman
3 Palladino states:

4 "Given the information available to the
5 Commission, including the great degree of public
6 awareness, the great amount of time that the public
7 has invested in the appeal process, I very strongly
8 recommend that the Commission conclude the six-year
9 debate and reach a decision."

10 In summary, we, the undersigned believe the
11 Commissioners should be commended for recognizing that a
12 decision on TMI-1 should be made. We recognize the emotions
13 surrounding the issue. We have heard a great deal of them
14 today.

15 Yet, the adjudicatory record on this issue
16 represents an abundance of information upon which the
17 Commissioners can make a reasonable and balanced decision
18 based on substantial evidence.

19 Such a decision should not be construed as arbitrary
20 and capricious, and abuse of discretion contrary to law.

21 We urge this Commission to adhere to your public
22 record. Thank you.

23 (Applause)

24 (Chorus of boos)

25 CHAIRMAN PALLADINO: Please sit down, and please

1 remain silent.

2 We very much appreciate your coming here, and
3 apparently presenting a view that is different from those we
4 heard earlier.

5 MR. RITTER: Mr. Chairman, I might add as a
6 scientist, Congressman, someone who lives not too far downwind
7 from Three Mile Island, and someone who had some 30 percent of
8 his ratepayers under the system that is importing outside
9 power, I feel that it is important that we recognize the
10 State of Pennsylvania citizenry. I understand the importance
11 of the local population and their beliefs. But, there are
12 other citizens in the State of Pennsylvania who should be
13 represented, and I am trying to do my best on their behalf
14 today.

15 I thank you.

16 (Applause)

17 CHAIRMAN PALLADINO: Our next speaker is Larry
18 Hochendoner, who is speaking on behalf of the Dauphin County
19 Commissioners.

20 STATEMENT OF LARRY HOCHENDONER, COUNTY COMMISSIONER,
21 DAUPHIN COUNTY, PENNSYLVANIA.

22 MR. HOCHENDONER: Thank you Mr. Chairman and
23 members of the Commission for this opportunity to address you
24 this afternoon.

25 For purposes of the public record, I have presented

1 in writing, a statement that has been signed by at least two
2 dozen local officials from two different counties, both
3 parties, all simply stating they do not feel it is in the best
4 interest of the citizens of our community to have Unit 1
5 reopened.

6 (Applause)

7 Last weekend when I sat down to figure out what I
8 would say today, the first thing that occurred to me was the
9 irony of the situation. I stand here today because I am an
10 elected official of several hundreds of thousands of
11 citizens. Yet, the real issue facing us is not nearly as
12 official as it is personal.

13 It is not the political effect of your decision that
14 makes me care so much. It is the personal effect of your
15 decision on all of the lives in my community.

16 That irony struck me because I did not go to the
17 office to think about this, I went to my kitchen table.
18 Sitting there with a cup of coffee, I realized that I will not
19 always be a County Commissioner, nor will you always be NRC
20 Commissioners. However, I will always be a husband, a father,
21 a son, a brother, and so will you.

22 I think it would be a shame for any of us to
23 approach this decision any other way. We must remember that
24 this decision is important, not because it affects GPU and
25 TMI, but because it affects husbands and wives, daughters and

1 sons, grandparents and neighbors.

2 (Applause)

3 Sitting at my kitchen table, I thought about all of
4 the other kitchen tables in Central Pennsylvania. After six
5 years, I must have had millions of conversations both at
6 breakfast and dinner about TMI, the accident, the venting, the
7 scandals, the NRC hearings, all of the things we have seen
8 every day in our newspapers. After the children are asleep,
9 parents sit at the tables and they talk about their fears.
10 They wonder whether the government will respect their wish to
11 keep TMI Unit 1 closed.

12 (Applause)

13 So many things happen at our kitchen tables. I can
14 recall one evening, coming home very late with a group of
15 friends who were sitting around my table after I returned from
16 the hospital when my daughter was born. It was a joyous
17 celebration. And then I thought about this hearing, sitting
18 here. The contrast is even more stark than I imagined. It is
19 a setting that makes the reality of your decision hard for
20 anyone who does not live in Central Pennsylvania to
21 appreciate.

22 (Applause)

23 But, because we have to live with TMI, we are very
24 clear about the decision you should make. You can make the
25 right decision, to keep TMI closed.

1 (Applause)

2 CHAIRMAN PALLADINO: Please let the speaker
3 continue.

4 MR. HOCHENDONER: Thank you, Mr. Chair.

5 Or, you can make the wrong decision. Frankly,
6 sometimes it is hard to see your problem, because the right
7 decision is not nearly as threatening to you as the wrong
8 decision is threatening to us.

9 The right decision does not threaten you at all. I
10 have had hundreds of phonecalls from ordinary people who
11 wonder:

12 "What have we done to deserve this?

13 "What did we do wrong that we still have to live
14 with the danger of TMI?

15 "Doesn't the NRC understand that keeping TMI closed
16 is the only way that we can gain the peace of mind that we
17 lost over six years ago?"

18 (Applause)

19 It is impossible for me to answer those questions
20 because our position is so reasonable. We are just plain
21 folks in Central Pennsylvania. We work and worship. We
22 parent and play.

23 We are not hysterical, we are quite sane. And our
24 judgment is that we would rather live without TMI.

25 (Applause)

1 We look at the consequence of the right decision and
2 we see that we lose our power plant. But, we gain a benefit
3 of finally being able to get back to a normal life.

4 We look at the consequence of the wrong decision,
5 and we see tensions, frustrations, anger, uncertainty.

6 One other thing that I recall sitting at my kitchen
7 table was something that happened over eleven years ago. It
8 was a Sunday afternoon, and President Ford came on television
9 to announce "Our long national nightmare is over."

10 Well, the people of Central Pennsylvania want our
11 long nuclear nightmare to be over. And the only way to do
12 that is to keep TMI closed.

13 (Applause)

14 If you make the wrong decision, our nightmare will
15 go on and on. We will literally be perpetual victims. Soon
16 each of you will make an individual decision about our
17 lives. And it will not be a judgment about just steam tubes.
18 It will be a judgment about our homes.

19 I urge you, I urge you to take your decision out of
20 your office, go to your own kitchen table with your loved ones
21 around you secure in your own home, and make your decision
22 there. Think of what your home means to you and what our
23 homes mean to us.

24 I think that that will help you to understand us.
25 And, once you understand us, I know you will make the right

1 decision.

2 Thank you.

3 (Applause)

4 CHAIRMAN PALLADINO: We very much appreciate your
5 coming and sharing your thoughts with us this afternoon.

6 Let me see if my colleagues have any comments.

7 COMMISSIONER ROBERTS: Thank you very much.

8 COMMISSIONER BERNTHAL: I take it from your remarks
9 you would never under any circumstances support reopening the
10 plant; is that correct?

11 MR. HOCHENDONER: Mr. Commissioner, we have had the
12 question placed on the ballot in Dauphin County, which is the
13 parent county. We had a 3 to 1 vote against without any
14 qualifications. We have had on many occasions as a Board of
15 Commissioners citizens come before our meetings to simply
16 indicate that the psychotherapeutic problems involved -- and
17 I'm not talking about the technical issues. I cannot address
18 those and I do not think that is the issue. It concerns human
19 lives. And to the extent that we have any right to be able to
20 live securely and to be able to live with some peace of mind
21 in our own community, then I would say to you the answer is
22 absolutely no.

23 [Applause.]

24 COMMISSIONER BERNTHAL: Thank you.

25 COMMISSIONER ZECH: Thank you.

1 CHAIRMAN PALLADINO: Ladies and gentlemen, I
2 appreciate your interest and enthusiasm, but it does help the
3 proceeding if we can hold the applause at least until the end
4 of the speaker's remarks.

5 VOICE: You said that already.

6 CHAIRMAN PALLADINO: I know, and I am saying it
7 again.

8 This is a good time for a break. I suggest that we
9 reconvene -- will you please wait until I conclude my
10 remarks. A 15-minute break, and we will reconvene at that
11 time.

12 Thank you.

13 [Recess.]

14 CHAIRMAN PALLADINO: Ladies and gentlemen, will you
15 please start to take your seats.

16 May we please come to order. We are ready to begin.

17 This is a continuation of our oral presentation on
18 whether or not the effectiveness of the 1979 shutdown order
19 for TMI-1 should be lifted. We have five more presentations
20 this afternoon, each scheduled for ten minutes, and we begin
21 first with Mr. and Mrs. Aamodt.

22 Would you proceed, please?

23 STATEMENT OF NORMAN AND MARJORIE AAMODT

24 MR. AAMODT: Thank you, Mr. Chairman and
25 Commissioners. We thank you for this one last opportunity to

1 address this august collegiate body.

2 In the event of a decision and an order favorable to
3 the Licensee, we would just like to make it abundantly clear
4 that you may be assured that we will challenge that outcome in
5 the outer courts.

6 I would also like you to consider that that delay
7 that would be attendant to that challenge in the outer courts
8 might be considerably longer than the delay associated with
9 hearing these issues within the proceeding wherein they should
10 be heard. Although that challenge would be based on several
11 issues we support in this proceeding today, we will simply
12 respond to your CL-85-08, which denied our request for
13 consideration to reopen the record.

14 I think before beginning in the formal aspect of
15 this, I would just like to show you a chart. This was
16 prepared by Mary Osborn, who is a lady whom I am sure you
17 recall, who has gathered the many samples of plants which have
18 suffered growth abnormalities which can be attributed to
19 radiation. This, I am sure you have not seen, is a plot of
20 the law suits that we know of that are already in progress
21 around Three Mile Island.

22 Rather than take any more time, just take my word
23 for it that these overlays show how those fit the location of
24 the known plumes at Three Mile Island.

25 VOICE: I thought this would be a plot of mushrooms

1 growing. I always knew that mushrooms grew in the night. But
2 they are law suits.

3 MR. AAMODT: It is an appropriate comment because
4 there was a 30-pound mushroom located in that area as well.

5 MRS. AAMODT: Fifty-five pounds.

6 MR. AAMODT: Your decision was based on your
7 conclusion that we failed to meet the three standards for
8 reopening the record. I would like to discuss those three
9 standards.

10 Timeliness. You concluded the Aamodts had not
11 presented any justification for not requesting on June 24,
12 1984, our initial filing for reopening of the record. Our
13 June 1984 motion requested that you, the Commission, verify
14 the elevated cancer death rate and determine whether or not it
15 was related to TMI-2. We put that burden on you at that
16 point, feeling that it was appropriate since the hearing had
17 closed.

18 You made no attempt to verify the elevated cancer
19 death rates, and contrary to what you said, Mr. Chairman,
20 there has not been one single study of health effects in human
21 beings around Three Mile Island since the time of the
22 accident, and that is gospel truth, except for the neo-natal
23 hypothyroidism, which is false, although you state in your
24 denial that the central issue raised by the Aamodts relates to
25 their allegation that there are elevated levels of cancer in

1 the TMI-1 area. That is the central issue by your words.

2 With the help of Judge Sylvia Rambo of the Third
3 District Court and the Three Mile Island Public Health Fund,
4 we verified that cancer mortality rate and we got cancer, and
5 we got death certificates for all 20 of the people who died.
6 Only then was it appropriate to call for reopening the record,
7 and we did, and we met the timeliness standard.

8 The second issue is whether these claims raise a
9 significant safety issue or environmental issue. We would
10 argue a prima facie case, and I think if you were in our
11 position, you would also. Even GPU did not oppose our motion
12 on these grounds.

13 We would also note that the standard rests on the
14 words "raised a significant issue." It does not say prove a
15 significant issue. It is, after all, the purpose of the
16 requested litigative process to prove or disprove the
17 contentions raised therein.

18 We did, however, provide a showing of evidence which
19 would cause a reasonable mind to inquire further, and that, by
20 the law, is all that we were required to do. We met that
21 standard for reopening.

22 The third measure is that there would be a
23 likelihood of reaching a different result. I think that is
24 self-evident, but let me make a couple of comments. You
25 conclude that health effects resulting from the TMI-2 accident

1 are not related to a determination of whether TMI-1 can be
2 safely operated today. Clearly, you erred in this conclusion.

3 You acknowledge in the same paragraph in your order
4 that our allegation concerning Licensee's deceptions in the
5 neo-natal hypothyroidism issue were relevant. Beyond this,
6 the effects of Licensee's alleged deception and our allegation
7 that health effects are observed on plume lines far beyond the
8 ten-mile planning area seriously challenged the present planning
9 standards.

10 In that regard, we have provided you -- we have a
11 packet of documents we would like to give you, and one of
12 those is a statement by Steven Cory, an individual who was
13 functional at the time of the Unit 2 accident. He still has
14 as his responsibility the implementation of evacuation in his
15 township, where he will tell you that they will not be there.
16 Those workers will not be there, not because they want to be
17 disobedient, but for reasons he will tell you, which
18 principally center on the fact that they don't know who they
19 can believe if there is an accident, and they have a principal
20 responsibility to their families. And you have heard that one
21 before.

22 [Applause.]

23 I will now discuss your dismissal of some of the
24 evidence we presented in your brief. Neither you nor any of
25 the parties -- and I would like this clearly considered --

1 neither you nor any of the parties challenged our evidence of
2 the symptoms which occurred among literally several hundreds
3 of people, in many cases prior to the knowledge of the
4 accident -- the red skin, the metallic taste, the loss of
5 hair, the diarrhea -- which are most reasonably explained by
6 radiation exposure. No one challenged that there were
7 radiation-induced plant abnormalities. No one challenged or
8 could challenge the grossly increased cancer death rate among
9 the people. Those are facts which you did not challenge.

10 You state that we -- quoting you -- have not
11 provided information that would lead us to question the
12 Department of Health's conclusions that the ten-fold increase
13 in neo-natal hypothyroidism observed was not due to the
14 evidence. What better evidence could we present to you to
15 discredit that finding, absent a proceeding, than the simple,
16 plain fact that the neo-natal hypothyroidism today is back to
17 where it was before the accident.

18 You reiterate your confidence in the "findings
19 reached in earlier assessments of radiation releases from the
20 TMI-2 accident." You know as well as I that these assessments
21 were made in the absence of crucial data. For the period 4:00
22 a.m. to 7:00 p.m., the charcoal stack filters are missing, and
23 that is the period of most core damage.

24 You know that off-site dosimeters were grossly
25 inadequate to define the emissions. There were two on the

1 west side of the river, and those were a mile from the plant,
2 and as many researchers have said that a mile from the plant,
3 you don't even measure on the ground the passage of a plume up
4 here.

5 And you know that the makeup tank header leaked
6 vapors from the reactor coolant water throughout the entire
7 period of the accident. You know that. You also know that
8 the effect of plume touchdown was never considered, and we
9 will have for you -- I believe you may have already gotten a
10 letter from the researcher -- you will shortly -- we will be
11 able to demonstrate to you that at the point of plume
12 touchdown, the radiation exposure of the individual is in the
13 order of 1000 or more times greater than what is measured at
14 the ground.

15 When our Affidavit 1 was in his garage on Thursday
16 morning and got the red skin and effects that he suffers to
17 this day, the highest reading observed off-site was measured
18 in a direct line to his house at Goldsboro, 30 millirems per
19 hour. Multiply that by 1000 and see if our allegations might
20 not have validity. But this is all work you folks should have
21 done.

22 Beyond this, there has been serious criticism of
23 earlier dose assessments by noteworthy scientists. You are
24 familiar with the work sponsored by the TMI Public Health
25 Fund, John Beay's work, I am sure, but perhaps you have not

1 read the handwritten memorandum by Carl Morgan. We have that
2 for you. That says that those dose assessments are, in his
3 judgment, invalid.

4 We also have a letter from CDC, the same CDC that
5 you used to deny the validity of our motion, where they say
6 that if the 20 deaths were proved, you bet you have got
7 something to look at.

8 [Applause.]

9 You are dead wrong in relying on the early dose
10 assessments to prevent hearing the health issue, and we will
11 challenge that one successfully in court, I can assure you.

12 You contend that currently there are no elevated
13 levels of hazardous radionuclides off-site on the basis of an
14 EPA "informal survey with sophisticated radiation monitoring
15 equipment of sites selected by the Aamodts." This one almost
16 makes me smile. An EPA official acknowledged that the
17 alphameter was inadequate to this task, and further, if we
18 just wanted to do a little bit of homework, we will know full
19 well that the methodology precluded finding any transuranics.
20 You could not do it, and you know, Mr. Palladino, I am
21 sure, that that method could not show transuranics.

22 You acknowledge that transuranic materials emit
23 alpha radiation and could be another possible source of
24 adverse health effects, but you allege that the presence of
25 transuranics is not a significant safety issue because "The

1 staff has concluded that the likelihood of measurable
2 quantities of transuranic material being airborne and
3 subsequently being released into the environment is
4 low." Your staff did not do its homework.

5 In 1980, TMI personnel provided an aerosol sample
6 taken at the TMI-2 auxiliary building a year after the
7 accident, more than a year after the accident, and they sent
8 it to the Inhalation Toxicology Research Institute, Lovelace
9 Biological Research Institute, for analysis.

10 What do you think they found? Transuranics in the
11 air in the auxiliary building a year after the accident.

12 You cannot tell me that transuranics did not get
13 into the environment. Incidentally, plutonium and californium
14 were among them. Moreover, and this may come as a surprise to
15 you, most nuclear power plants routinely measure in the
16 plants. I am sure on a nuclear sub you would sure enough
17 watch.

18 During the accident, the operators were precluded
19 from taking measurements, and I have a witness to that effect,
20 Randy.

21 This is Randall Thompson. Perhaps you might
22 introduce yourself, Randy. Just a very brief statement just
23 supporting that.

24 Randy was at Peach Bottom, where he will give you
25 his title there, and he was at Three Mile Island.

1 MR. THOMPSON: Thank you, gentlemen, for allowing me
2 to speak to you. I was a Senior Health Physics and Chemistry
3 Technician. I worked at the Peach Bottom nuclear power plant
4 down the road from TMI for a few years. At that plant, I held
5 the position of Senior Plant Chemist, and I was responsible
6 for the monitoring of radiation releases via air and water
7 from the plant. I worked for -- through most of the month of
8 April 1979 at Three Mile Island in the same capacity as a
9 Senior Health Physics and Chemistry Technician.

10 MR. AAMODT: You were in the nuclear Navy also.

11 MR. THOMPSON: Yes, I served aboard the U.S.S. Sam
12 Houston nuclear submarine. My training and in the normal,
13 everyday application of health physics prevention in the
14 normal nuclear power plant, checking for alpha is of prime
15 concern, because -- you all know this -- if there is failed
16 fuel or fuel problems, then we have a situation where alpha
17 could develop. I checked for it daily at Peach Bottom twice a
18 day and never found any, because Peach Bottom was such a great
19 plant, real clean. Of course, we never had any alpha problems
20 there.

21 When I went to Three Mile Island, the rumors were
22 that we had severe core damage. We had failed fuel, and, in
23 fact, the rumors were rampant that there was actual scram
24 failure. In this situation, it would seem to me --

25 MR. AAMODT: We will pursue the scram failure, if

1 you would like.

2 MR. THOMPSON: In this situation, it would seem to
3 me, the first thing we would to be looking for was alpha
4 contamination. As a technician, that was the first question I
5 had, in fact, and I was told point blank that we were not
6 looking for alpha contamination here at Three Mile Island. I
7 said, "Why not?" And they said, "Because we don't have any
8 alpha contamination here." And I said, "That's kind of odd,
9 considering the severity of the accident." And they said,
10 "Yes, we actually had an alpha scare the first week, but we
11 sent it off for independent analysis, and it turned out that
12 the alpha was some radiological phenomenon called piggyback
13 beta," that nobody else I've ever talked to has heard anything
14 about.

15 As a result of that, I filed a complaint and said it
16 was illegal and immoral to not be looking for alpha. I did
17 not do anything else besides that.

18 And that's really all I can say. I was firsthand
19 there, and I was not allowed to look for alpha, because alpha
20 counters were not made available for my use.

21 MR. AAMODT: And you will swear to this under oath?

22 MR. THOMPSON: Indeed. Thank you, sir.

23 CHAIRMAN PALLADINO: Mr. Aamodt, we have been over
24 for a couple of minutes. How much more do you have?

25 MR. AAMODT: Not a whole lot. Let me just spend

1 about one minute here just organizing myself and see how I can
2 make it shorter. I'm very close to concluding.

3 The other point I would like very much to make, we
4 have Dr. Carl Johnson, who incidentally provided expert
5 testimony at Rocky Flats and has a great deal of expertise
6 acknowledged by the courts with regard to the presence and
7 effects of transuranics.

8 You acknowledge that there can be health effects.
9 We would like to demonstrate the fact that, should we have to
10 go out into court, we are well prepared to demonstrate that
11 this could have been functional with the health effects that
12 were observed.

13 Dr. Johnson.

14 DR. JOHNSON: Mr. Commissioner, briefly there are
15 oversights, misconceptions in the Commission's memorandum of
16 May 16 responding to motions made by the Aamodts.

17 Household surveys of cancer incidence and mortality
18 are a more valid approach than the State's use of concentric
19 circles within those areas or the usual directions of exhaust
20 plumes from an industrial plant source like Three Mile Island.
21 What the NRC characterizes as "anecdotal information" is the
22 same information that physicians value as medical history or
23 at that the Bureau of the Census considers to be vital census
24 data. The information necessary for a valid core study must
25 be obtained from area household surveys. It cannot be

1 obtained from State cancer registries.

2 The radiation exposures to the communities around
3 Three Mile Island began in 1974 with the start-up of TMI-1.
4 This plant also had serious problems. It had a chronically
5 leaking core pressure relief valve and nearly had the same
6 sort of meltdown in 1977 that later occurred at TMI-2 in 1979.

7 Both plants can be described as ultrahazardous
8 operations. The responsibility for the excess cancer deaths
9 in the communities near Three Mile Island must be shared by
10 both of these plants. The same management responsible for the
11 lying, the cheating, misrepresentation of the radiation
12 releases at TMI-2 also operated TMI-1 since 1974, and I
13 believe that TMI-1 also released large amounts of radioactive
14 gases and particulates. This belief is supported by reports
15 of a chronically leaking PORV and an aborted meltdown in 1977.

16 An underlying problem with the nuclear establishment
17 is the reliance on doctrine which is treated as a matter of
18 religious belief. The doctrinal approach to science was
19 supposed to have been displaced centuries ago by the empirical
20 approach. In this case, if unusually high incidence or death
21 rates from cancer is observed near two failed nuclear plants,
22 sources of extremely potent carcinogens, we had better believe
23 it and not strive tortuously to find some spurious but
24 plausible explanation.

25 If you choose to believe that the time since TMI-2

1 is not compatible with some of the cancer deaths, simply
2 consider TMI-1, which has also been a very dirty operation,
3 releasing plumes of radioactive gases and particulates since
4 1974. The importance of the seven cases of neonatal
5 hypothyroidism in 1979, when only 0.6 cases were expected, has
6 been confirmed by the rates for this condition since, falling
7 sharply in 1980 and 1981, and now down to one or two cases
8 yearly.

9 The opinion of the State Health Department here is
10 asinine and inexcusable. The tone of the NRC comments lead me
11 to ask the Commissioners if their policy on radiation effects
12 research has changed from that outlined in the 1962 Atomic
13 Energy Commission memo addressed to the Commission: "The
14 basic approach to the report would be to start with a simple,
15 straightforward statement of conclusions. We would then
16 identify the major questions that could be expected to be
17 asked in connection with these conclusions. It would then be
18 a straightforward manner to select key scientific consultants
19 whose opinions should be sought in order to substantiate the
20 validity of conclusions or recommend appropriate
21 modifications."

22 I would like my statement, this AEC memo, and this
23 other document to be a part of the record.

24 MR. AAMODT: In that regard, Mr. Chairman, I am
25 going to cut what I have left out and ask that I might submit

1 to you a typed copy of my statements that would be
2 incorporated in the record.

3 I have just two comments that I would like to make,
4 and then we will close, if I may.

5 CHAIRMAN PALLADINO: Could you do it expeditiously?

6 MR. AAMODT: I shall, sir.

7 The first, your Staff discredited our argument with
8 regard to Mr. Jarusky's phone call -- I'm sure you remember
9 that -- on the basis of 9:00 o'clock call, which one of your
10 Staff people convinced Mr. Jarusky that he placed with PEMA
11 and said it was in the PEMA log. We got the PEMA log.
12 There's no 9:00 o'clock phone call, with the result that it is
13 now true, just as Mr. Jarusky said on May 29th, that he held
14 on the line while he waited as a non-existent survey team went
15 out to report a non-existent radiation reading, which caused
16 PEMA to call off an evacuation.

17 The last comment that I have to make, Mr. Chairman,
18 and to this Commission is that we greatly appreciate the
19 opportunity to function in the system. When I was a little
20 boy in P.S. 30 in New York City, in my civics class, I had a
21 very hard regard, which I retain to this day, for this nation
22 of which we are all citizens. We have the right to speak our
23 mind, and we have the right to use the litigatory system, and
24 we would like you to be assured that we will use it, and we
25 will use it even if it comes to the point where, if you fail

1 to protect the health and safety of the people of Central
2 Pennsylvania by failing to adequately investigate the health
3 effects, we will be sure that we bring a charge of malfeasance
4 against this Commission.

5 [Applause.]

6 I thought you might not want to talk to me any more.

7 CHAIRMAN PALLADINO: We value your opinions, and we
8 say that sincerely.

9 MR. AAMODT: I know you do. Thank you, sir.

10 CHAIRMAN PALLADINO: Any comments?

11 COMMISSIONER BERNTHAL: I have some questions. I do
12 not want to belabor technical details, for sure, on matters
13 that are complex, and that we certainly are not going to solve
14 here, but I am curious about one fundamental issue, I guess,
15 and it really reaches to why, if there was a release of the
16 kind that you refer to, of transuranics, for example -- I did
17 not follow your argument, incidentally, about the inadequacy
18 of the counter that apparently was taken up there for
19 detecting --

20 MR. AAMODT: I'm not sure I can follow it either.

21 COMMISSIONER BERNTHAL: But why would you not
22 expect, then, today -- and as you know, our Staff has at least
23 once -- I would hope more than once -- in recent years been
24 up in that area seeking evidence of the release. Now
25 obviously the shortlived things are gone, but not everything

1 is shortlived, and it seems to me that there should be
2 evidence today. It would appear to me, at least, as someone
3 who also has some credentials in this area, it would be the
4 most direct evidence of what you are suggesting, and yet we
5 have yet to see that kind of direct evidence.

6 MR. AAMODT: Dr. Johnson, I want you to answer
7 that. But before you do, I would like to make two brief
8 responses to that: one, that at the time of the accident the
9 significance of plume touchdown was not acknowledged, and we
10 are not going to cast any blame on that, but the fact of the
11 matter is that when survey teams went out, the consideration
12 of the difference in intensity of exposure, whether it is to
13 noble gases or whatever it is, if you are at the point of
14 touchdown or if you are a few hundred feet or a thousand feet
15 below it, is enormously different. That is easily evidenced.
16 There is a great deal of evidence with regard to acid rain,
17 where it is just the mountaintops that get hit because they
18 are in the plume, but that's past.

19 COMMISSIONER BERNTHAL: We can also look at the
20 mountaintops and seek that evidence.

21 MR. AAMODT: Yes, we see it in the mountaintops here
22 with twenty dead people.

23 COMMISSIONER BERNTHAL: But where is the evidence
24 today of residual radiation?

25 DR. JOHNSON: I came to the TMI area in April of

1 1979 to speak to a State Medical Society. At that time, I
2 urged that DOE would do tests of dust around TMI, as I did in
3 collaboration with USGS around Rocky Flats and also as has
4 been done around the Savannah River plant by the Department of
5 Energy. The response that I got from DOE after about a year
6 is that they would not do such a surface survey of dust on
7 the surface. Instead, they had done samples to fifteen inches
8 deep to measure surface dust contamination.

9 I understand later that the EPA has done a survey
10 using one centimeter deep samples. I am familiar with their
11 approach. They included plain gravel in this.

12 I maintain that to do an accurate survey of the
13 surface contamination by a plume, you must do a sample of
14 surface respirable dust. An also, in addition to plutonium
15 239 and 240, it would be also to look for the curium 242, 244,
16 and americium. In fact, there are some forty different
17 transuranics of importance -- this is in health physics
18 journals -- of importance in surveillance of a nuclear
19 facility. There are some forty. The survey has never been
20 done.

21 COMMISSIONER BERNTHAL: There may be forty isotopes,
22 but we're talking about transuranics. As you know, they are
23 all common in the sense that they all emit alpha particles if
24 they are transuranics or other easily detectable radiation,
25 and you still have not convinced me. Before, you were

1 speaking here of surface respirable dust. Certainly one could
2 seek evidence there. But why would surface respirable dust
3 not be carried with the samples that were taken, if they are
4 to one centimeter or fifteen centimeters or whatever it is?

5 DR. JOHNSON: If you mix a very thin film of surface
6 dust with fifteen inches of gravel, you're not going to find
7 very much.

8 MRS. AAMODT: They found transuranics in the samples
9 in the Three Mile Island area, but it was the interpretation
10 that was placed on them, that they were not above expected,
11 wherever the Wertzville cemetery is -- that is the outstanding
12 area that any samples are compared to, and that seems to have
13 quite high levels of radioactivity. And what was found was
14 attributed to weapons testing. But we don't know whether we
15 can believe that or whether we even can -- as Dr. Johnson has
16 said, the sampling was not proper, so that the amounts, the
17 relative amounts, are in question.

18 COMMISSIONER BERNTHAL: But I get back to the simple
19 question, why is it, to my knowledge, at least, that anyone
20 that has gone up there within the recent past -- and I would
21 like to know if someone has done a verifiable survey with
22 properly calibrated instruments -- that they have not been
23 able to find the kind of evidence that you surely would expect
24 to find? The radiation would still be there in some form.

25 MR. AAMODT: Let me give a very brief explanation.

1 They found the transuranics. The found some transuranics.
2 They looked for very few but the ones they looked for, they
3 found. They found them in very small quantities.

4 COMMISSIONER BERNTHAL: As you always do in nature.
5 The question is are they above background.

6 MR. AAMODT: As you always do. But Dr. Johnson said
7 if you look in the right place, the concentration would have
8 been high. But when you added a whole lot of stuff in that
9 you knew had no transuranics in it, then the average became
10 very low and they masked it. I submit perhaps somebody wanted
11 to mask it.

12 MR. JOHNSON: Around Rocky Flats I personally as
13 health officer took 72 samples to a distance of 20 miles
14 around the plant. DOE around the perimeter of the plant used
15 also a surface dust method out to a distance of 50 miles
16 looking for just plutonium-238, 239 and 240.

17 Why not use this method around TMI, out to 50 miles
18 and look also for curium and some of these more esoteric
19 transuranics you don't expect to find in nature or from
20 weapons fall-out.

21 COMMISSIONER BERNTHAL: I could pursue this but it
22 seems clear to me though that your proposition is essentially
23 that the people that have been there haven't looked in the
24 right places.

25 MR. AAMODT: No. Their test procedures are

1 improper.

2 COMMISSIONER BERNTHAL: All right. Thank you.

3 COMMISSIONER ASSELSTINE: Let me ask one quick
4 question. Dr. Johnson, what do you think would need to be
5 done to verify whether there is a link between the higher
6 health effects that have been found by the survey that Mr. and
7 Mrs. Aamodt have done and others and a possible connection
8 with the accident? What now has to be done to lay the issue
9 to rest one way or the other?

10 MR. JOHNSON: I outlined this in a talk at
11 Harrisburg a year ago last March and my approach would have
12 been to conduct interviews of people out to say 40 or 50 miles
13 and people who could have been in the path of the exhaust
14 plume from the plant, especially the early plumes which were
15 not monitored, reporting symptoms uncoached of course which
16 would be compatible with those of radiation effects like
17 burning of the skin, the eyes, loss of hair, nausea, vomiting,
18 diarrhea. I would take those very seriously.

19 From those I would outline communities which would
20 be in the path of those plumes and then within those
21 communities establish a cohort of two populations, those who
22 complain of effects of those who did not and then follow those
23 cohorts forward in time.

24 This is how you can do a very solid study with
25 relatively small population numbers.

1 Then for the testing, I would use a surface dust
2 approach and, of course, the sooner done the better after the
3 accident. The surface dust approach is well-accepted. DOE
4 uses it itself. It is a very sensitive method and you can
5 usually distinguish what is weapons fall-out and what is not.

6 Also, we should have looked for curium and americium
7 and the heavier transuranics which you might expect to find
8 after a meltdown at a reactor.

9 MR. AAMODT: I would like to add one other thing.
10 Dr. Johnson, would you also comment on the need for induced
11 chromosome damage tests?

12 MR. JOHNSON: Yes. That has also been discussed.
13 It is quite obvious that persons who complained of acute
14 radiation effects at the time of the accident could have
15 chromosome studies done. This has been done for Rocky Flats
16 workers and there they found that workers with only one
17 percent to ten percent of the body burden from the plutonium
18 had a 33 percent increase in chromosome damage. It is a very
19 sensitive test and it should be done.

20 COMMISSIONER ASSELSTINE: Can the three items that
21 you mentioned, you mentioned at least with respect to the
22 first two, they should be done as soon as possible after the
23 event.

24 MR. JOHNSON: It is not too late.

25 COMMISSIONER ASSELSTINE: That was my question.

1 Those things can be done now and still yield reliable results.

2 MR. JOHNSON: Yes.

3 MRS. AAMODT: I just wanted to add that the map that
4 was down by Mary Osborn has coded the personal damage suits,
5 then also the people's reports of health effects and those two
6 bodies of information coincide in the same areas which I think
7 is interesting and the same with Dr. Johnson's concept.

8 I also wanted to say that where we feel this health
9 issue impacts on the restart of Three Mile Island, there are
10 actually several areas but one of them is in the emergency
11 planning.

12 The xenon cloud that DOE plotted was 20 miles wide
13 and it was over the most populated areas in all of central
14 Pennsylvania. It went from Hershey through Harrisburg to
15 Mechanicsburg. It was over the very area where the pregnant
16 women and children were evacuated to that stadium. It is the
17 area where people are bringing personal damage suits.

18 COMMISSIONER BERNTHAL: Let me clear up one other
19 point here. Is the argument then as I gather it seems to be
20 that the primary exposure was from the krypton plume then or
21 the noble gases at least or are you arguing that it is --

22 MR. JOHNSON: No. I would say that krypton is an
23 indicator of perhaps the presence of 500 different types of
24 radionuclides.

25 COMMISSIONER BERNTHAL: Many of them long-lived?

1 MR. JOHNSON: Yes.

2 COMMISSIONER BERNTHAL: Therefore, they should be
3 easily detectable today?

4 MRS. AAMODT: Not easily.

5 COMMISSIONER BERNTHAL: I think quite easily, yes.

6 MR. JOHNSON: The gases will dissipate but the
7 particulants, some of them will fall to earth, yes. It is dry
8 fall-out which has not come down like wet fall-out from world
9 wide weapons testing. There is about a five-fold difference
10 there.

11 In terms of inhalation exposure, dry fall-out is
12 more important.

13 COMMISSIONER BERNTHAL: One other question here if I
14 may, you don't have confidence somehow in the Pennsylvania
15 State Department of Public Health and the surveys that they
16 have done.

17 MR. AAMODT: We do not for very sound reasons and we
18 are in court now challenging their data.

19 MRS. AAMODT: I think the question was asked to
20 Dr. Johnson.

21 COMMISSIONER BERNTHAL: I guess I am a little
22 confused and as you know I have urged that this Commission
23 support the Pennsylvania State Department of Health in its
24 long term epidemiological studies but it is somehow striking
25 to me that your governor has been here and has spoken

1 eloquently and very cogently on behalf of caution in
2 proceeding here but this is a state agency and I would like
3 someone to explain that to me.

4 MR. JOHNSON: If I could respond to your question,
5 in one instance the state health department's analysis of
6 infant mortality rates which were published in the American
7 Journal of Public Health, I looked at that report and found
8 that that had not been corrected for gestation age at time of
9 exposure.

10 If you make this correction, there is a 15 percent
11 higher mortality rate than you would expect. My response has
12 been published in the American Journal of Public Health. I
13 thought that the state made an inappropriate response to my
14 criticism.

15 In addition, the control groups were inappropriate.
16 The only recent control population was one in California. I
17 was maintaining that the population in this area would have a
18 lower mortality rate than the one on the west coast for
19 reasons I could go into further.

20 The best comparison population is one in the same
21 area, a population in the same area that has not been exposed
22 or the same population before the accident. That is one
23 examples. There are others.

24 CHAIRMAN PALLADINO: All right.

25 COMMISSIONER BERNTHAL: I think we can probably go

1 on, yes.

2 CHAIRMAN PALLADINO: Thank you very much.

3 (Applause.)

4 CHAIRMAN PALLADINO: At this time could we have the
5 representatives of Three Mile Island Alert join us at the
6 table, please.

7 STATEMENT OF THREE MILE ISLAND ALERT

8 CHAIRMAN PALLADINO: Please, proceed.

9 MS. STUCHINSKI: Mr. Chairman and Commissioners, I
10 am Vera Stuchinski and as chairperson of Three Mile Island
11 Alert I am here today representing the citizens of central
12 Pennsylvania.

13 We are facing a crisis in democracy and it has been
14 forced upon us by the NRC. The NRC's investigation of TMI is
15 a shame and a public relations ploy that in the final analysis
16 has been meaningless. When you shut the door on a full
17 investigation into integrity and safety issues, you have
18 turned your back on the public that you were appointed to
19 protect.

20 In turning your back on the public, you defend the
21 only utility which has been criminally convicted of violating
22 the Atomic Energy Act. You support a corporation that has
23 lied and covered up information surrounding the worst nuclear
24 accident in this country.

25 You dismiss the fact that the utility submitted

1 falsified leak rate data at Unit "2" and the evidence of such
2 falsification at Unit "1." You ignore management's material
3 false statements to the NRC concerning operating cheating on
4 exams.

5 You condone the harassment and firing of workers
6 who have exposed safety violations. You uphold a corporation
7 which has violated dozens of your own NRC safety procedures
8 for the clean-up. You question the safety of repairs to the
9 damaged steam tubes in unit "1" yet it appears you are ready
10 to allow restart.

11 Finally, you flagrantly disregard the mandate of
12 area residents who voted overwhelmingly against restart. You
13 insult the governor of Pennsylvania in his efforts to
14 safeguard the citizenry of the Commonwealth.

15 You make a mockery of the democratic process by
16 dismissing the demands of our elected officials who represent
17 and voice the will of the people.

18 (Applause.)

19 MS. STUCHINSKI: If you vote to support a
20 corporation whose prime motive is profit at any cost, you will
21 have abandoned your responsibility to the public. A vote for
22 restart is a clear vote against the people of central
23 Pennsylvania.

24 (Applause.)

25 MR. NEILSEN: Thank you, Mr. Chairman. My name is

1 Edward Neilsen and I am a resident of Harrisburg. I have a
2 statement that was submitted to the Board here during the
3 break and I would like to enter that into the record.

4 Essentially, gentlemen, you are in a hell of a
5 quandary again. You are between the rock and the hard place.

6 COMMISSIONER BERNTHAL: I think we can agree on
7 that.

8 MR. NEILSEN: I am sure and in two minutes or less I
9 am going to try to give you a general perspective on what the
10 community thinks about this.

11 You have to strike a balance between what you see is
12 appropriate and proper behavior as commissioners and
13 regulators of a rather inadequate utility and on the other
14 side, you also have to take a look at what is in the public
15 interest of a very large community in central Pennsylvania as
16 Governor Thornburgh has so eloquently expressed.

17 I don't know what the answers are except from where
18 the community is coming from and I think that is very, very
19 important in democracy for you to abide by what the community
20 wishes.

21 I realize that what you have heard today sounds
22 rather bleak and pessimistic. We are not frankly optimistic
23 that you are going to look out for our welfare in the public
24 interest. We tend to suspect that you are going to acquiesce
25 to the special interest and the pressures that are

1 understandably brought to bear on you by the utility.

2 We urge you to take another look at that. We urge
3 you to go to your kitchen tables as Commissioner Hochendoner
4 requested that you do and give this some very long and very
5 serious thought.

6 (Applause.)

7 MR. NEILSEN: There is a way out of the quandary,
8 gentlemen. You have the choice of not allowing Three Mile
9 Island to restart based on the public sentiment and interest
10 of the community. You can stand up to the owners and
11 operators at Three Mile Island and demand total and complete
12 compliance and accountability for all issues and concerns that
13 have been presented during these lengthy proceedings.

14 You can choose to respect us like we have tried to
15 respect you to the best of our ability. Listen to our
16 governor. Listen to our elected officials, Republican and
17 Democrat alike. Gentlemen, it is cross-party and it is a very
18 important thing for you to understand. Everybody is opposed
19 to the restart of Three Mile Island.

20 Thank you.

21 (Applause.)

22 MS. KINNEY: Good afternoon, Commissioners. My name
23 is Paola Kinney and I am here as a wife and a mother. We are
24 very thankful for Governor Thornburgh and our elected
25 officials and their leadership that they have shown on this

1 issue.

2 The statements made here today and over the past six
3 years demand understanding and action. We did not ask for a
4 voice in nuclear power. We didn't ask for a voice in nuclear
5 power but the accident at Three Mile Island gave it to us.

6 (Applause.)

7 MS. KINNEY: Our response to this nation's worst
8 commercial nuclear accident is not -- please listen-- is not a
9 pro-nuclear or anti-nuclear issue. It is neither a pro or
10 anti-nuclear issue. Please understand that.

11 It is the concern and well-being of our children,
12 our families and our community. That is the bottom line. Our
13 response is clear. The citizens have voted.

14 We are unable to accept or settle for nuclear power
15 generation at Three Mile Island. The NRC is congressionally
16 mandated to protect the public health and safety. You are
17 congressionally mandated to do that. That is your job.

18 The NRC bureaucracy continues to deny the reality
19 that this accident has brought into our lives. It is like it
20 is going to go away, it is the denial syndrome. We have to
21 face it head on.

22 We are angry and frustrated with the attitudes of
23 the NRC and its inability to enforce its laws. The citizens
24 of our community are part of the solution. We want to work
25 with you. We are not crazy, anti-nuke kooks. We all want to

1 work together for a safe energy future.

2 I know that I have never been involved in anything
3 else ever, nothing, until the accident happened. I say to
4 you, please, please, rethink, reject restart because we are
5 not going to go away.

6 (Applause.)

7 MS. KINNEY: Thank you.

8 MR. EPSTEIN: I am Eric Epstein from Perry County.
9 I think it is clear that the majority of you, I think,
10 Commissioner Zech, Commissioner Roberts and Chairman Palladino
11 will probably vote for restart on May 29th. You will probably
12 restart unit "1." You will place the same management behind
13 the controls who melted the fuel in unit "2" and cast untold
14 amounts of radioactive contamination over our homes, our
15 families and our friends.

16 Rather than acting as a guardian of the public's
17 health and safety, you, the NRC, placed yourselves in direct
18 confrontation with the people of central Pennsylvania.

19 You have instituted a hearing process that was
20 designed to deflect the truth and hide incompetence and
21 dishonesty. You decided without even investigating that
22 management was not involved in leak rate falsification despite
23 the criminal conviction.

24 Your hearings refused to recognize cheating of a
25 senior plant official where a federal jury found criminal

1 guilt. You could find no impropriety in the firing of a
2 clean-up engineer who raised safety issues where the Labor
3 Department found unlawful harassment.

4 So it is no surprise to us that you, the NRC, are
5 now the subject of a federal grand jury investigation.

6 This Commission has been blind, I repeat blind, to
7 obvious facts and offending our precious democratic principles
8 by discarding the vote of the people and dismissing the
9 concerns of our lawfully elected officials many of whom are
10 here today.

11 You are accountable to no one. You are accountable
12 to no one and shamelessly serve the interests of GPU. You are
13 apologists for the monumental incompetence of TMI's
14 management, people who accomplished the impressive feat of
15 melting the nuclear core in unit "2" and crippling the steam
16 generators in unit "1."

17 The people in central Pennsylvania have both the
18 right and a responsibility to protect themselves from Three
19 Mile Island, the criminal management that owns it and the
20 federal bureaucracy that is poised to unleash it upon us a
21 second time.

22 The people have a right, they have a right, to
23 defend the vote of the majority and in a democracy the
24 majority will does provide and a responsibility to resist
25 corporations that place themselves above democracy.

1 We know that for you it has never been a question of
2 if TMI will restart but when. We know that. Your vote is
3 non-credible and non-binding upon us. We consider you an
4 accomplice to their crimes. We will hold you accountable for
5 their actions. We will never forget nor will we ever forgive
6 you and I can guarantee you this. With all the strength in me
7 and with all the people I know, we will never allow that
8 plant to reopen.

9 (Applause.)

10 CHAIRMAN PALLADINO: Does that complete your
11 presentation?

12 MS. STUCHINSKI: Yes.

13 CHAIRMAN PALLADINO: We appreciate your coming. You
14 speak of pressures. You certainly put a lot of pressure on
15 us. Thank you.

16 MR. EPSTEIN: We had hoped to do so. We were glad
17 to hear Commissioner Roberts speak. We had not heard you
18 speak before.

19 (Laughter.)

20 MR. EPSTEIN: We are waiting for you to hopefully
21 vindicate yourselves and vote against restart and prove me
22 wrong. Please prove me wrong. Vote against the restart.

23 CHAIRMAN PALLADINO: Any commissioner questions?

24 (No response.)

25 CHAIRMAN PALLADINO: Thank you very much. Could we

1 have next join us at the table the representatives of the
2 Union of Concerned Scientists.

3 STATEMENT OF UNION OF CONCERNED SCIENTISTS

4 MS. WEISS: Thank you gentlemen. My name is Ellyn
5 Weiss representing the Union of Concerned Scientists. With me
6 is William Jordan.

7 I want to begin by drawing your attention to two
8 reasons why restart of TMI would be unlawful.

9 First, as you are all aware the ASLB, the licensing
10 board in this case, issued a decision on May 3 ruling that UCS
11 had proven that operator training at TMI-1 is deficient in
12 that it provides for no objective systematic on-the-job
13 evaluation of operators.

14 As the Licensing Board observed, this is contrary to
15 the INPO guidelines which have been officially endorsed by the
16 Commission.

17 GPU was directed to produce a plan for correcting
18 this within 30 days and it was further ordered that they seek
19 the agreement of the staff and UCS on its terms. UCS and the
20 staff were given 15 days to respond.

21 The Licensing Board also ruled that full compliance
22 with this requirement could be treated as a long term item, in
23 other words, delayed until after restart.

24 UCS's view is that there was no rational basis for
25 putting this in the long term category. After all, safety

1 must be assured before operation not hoped for at some
2 indefinite unknown time in the future.

3 However, even if the Licensing Board was correct in
4 classifying this as a long term item, the clear terms of the
5 order setting up this proceeding require a finding by that
6 licensing board that reasonable progress has been made toward
7 achieving compliance with long term items.

8 Such a finding is a condition of restart. The Board
9 did not and could not make a finding of reasonable progress
10 since there has been no progress: GPU has not even submitted
11 its plan.

12 Therefore, you may not lawfully permit restart.

13 (Applause.)

14 MS. WEISS: Secondly, your decision in CLI-84-11
15 directed the staff to certify in two weeks, I might add, the
16 ability of certain safety equipment in TMI-1 to survive and
17 perform its safety function in the radiation environment
18 caused by a serious accident.

19 This is necessary in order to resolve the UCS
20 contention clearly within the scope of the restart hearings.

21 Ten months later the staff has now written to GPU
22 that the equipment is so qualified.

23 However, somebody seems to have forgotten that UCS
24 is legally entitled to review and submit comments on the data
25 and analysis used by the staff. The Commission may not

1 lawfully resolve a factual issue in these hearings by fiat nor
2 may it delegate decision-making responsibility to the staff
3 which was a party in the case against UCS I might add.

4 Thus far we have not been provided with the
5 information necessary to prepare comments. This is a legal
6 bar to restart.

7 Let me speak more generally now. Several of you
8 have expressed the view that six years is enough. It is time
9 for a decision in this case. We agree. In fact, we believe
10 you should have made your decision long ago, a decision that
11 GPU is not fit to hold a license to operate TMI-1.

12 (Applause.)

13 MS. WEISS: Let's all be clear. The problem with
14 this proceeding has not been that a yes or no decision has
15 been unduly delayed. The problem is that the Commission has
16 never been prepared to seriously consider that no restart is
17 an option.

18 (Applause.)

19 MS. WEISS: The delay in reaching a decision has
20 resulted from the fact that each time in the past three years
21 the Commission has prepared itself to allow restart facts have
22 emerged making that politically or legally impossible. First
23 it was cheating operators, material false statements, lies in
24 plain language by GPU to the NRC, then an indictment and a
25 guilty plea for leak rate falsification, harrassment, firing

1 of clean-up workers whose sin was trying to force compliance
2 with your own rules, gentlemen.

3 It is now apparent that this company lied even in
4 its original response to the NRC Notice of Violation
5 concerning the TMI-2 accident. Even your own staff which has
6 supported GPU throughout now maintains that had it known all
7 of what is now known regarding GPU's integrity, it would have
8 concluded that the company did not meet the minimum standards
9 under the Atomic Energy Act for nuclear plant licensee.

10 What is the Commission's answer? That some
11 fundamental change in this corporation has taken place
12 mysteriously? If so, why has not a single GPU or Met Ed
13 employee ever been identified much less disciplined for the
14 responsibility for the leak rate falsification which resulted
15 in the first felony conviction of a U.S. utility for Atomic
16 Energy Act violations?

17 Why does GPU still continue to vouch for the
18 integrity of Mr. Arnold, vice president GPU-Nuclear and
19 Mr. Wallace, his second in command, who bear personal
20 responsibility for the false response to NRC's original notice
21 of violation.

22 Here we come, I submit to the crux of the matter.
23 As the facts have come painfully to light, GPU first denies
24 them, then as denial becomes no longer tenable, as charges
25 come to center on an individual, the company's response is

1 simply to gently nudge that individual into a nice job in that
2 vast GPU universe beyond TMI-1.

3 (Applause.)

4 MS. WEISS: Meanwhile, it never disavows the acts of
5 the individual nor does it take any responsibility at all. It
6 is as if it never happened. Most incredibly most shifted
7 outside TMI-1 even if to another nuclear facility, your staff
8 shows no further interest in the individual and it continues
9 to endorse the integrity of those left behind who made the
10 reassignment without so much as disavowing his acts.

11 There seems to be no limit to NRC's willingness to
12 accept this cynical manipulation. Smoke and mirrors are
13 enough to satisfy the NRC.

14 Some of you may ask yourselves why so many
15 conservative residents of central Pennsylvania, families with
16 no hidden political agendas, people who never went near a
17 picket sign before 1979, people who believed before 1979 that
18 the government had their interests at hearts no longer
19 believe. Why is there so much profound opposition to what I
20 very greatly fear you are about to do?

21 This is why. These people know that the law states
22 that the protection of the public is NRC's primary
23 obligation. Six years ago they believed that if they brought
24 their concerns and if they brought the facts to you that you
25 would place them first.

1 I know because I spent much time talking to these
2 people right after the accident and in the six years since.
3 Since 1979, however, they have seen the law reduced to
4 meaningless words and tortuous procedural evasions.

5 If Franz Kafka ever met Lewis Carroll this sorry
6 excuse for due process would have been the result.

7 (Laughter.)

8 (Applause.)

9 MS. WEISS: Chairman Palladino, I heard your remark
10 that procedures are the bane of your existence and I know that
11 you believe that. But I say that procedures are not your
12 problem, Mr. Chairman. The problem is that you keep trying to
13 avoid your procedures and you keep trying to avoid it.

14 (Applause.)

15 MS. WEISS: If you would have followed your
16 procedures, the hearings on integrity would be long since over
17 after all your Appeal Board ordered them in August, 1983 and
18 you stopped them.

19 Six years is enough. It is enough to know that GPU
20 should not be permitted to operate TMI-1.

21 (Applause.)

22 MS. WEISS: I only wish that I could believe that
23 when you take your vote you will bear seriously in mind that
24 you do still have two choices. It is not too late to affirm
25 that the NRC really meant the words when it said that nuclear

1 licensees must have the highest standards of honesty and
2 competence, that the public safety demands no less and if
3 those words do mean something, then surely GPU does not meet
4 the test.

5 The issue before you as you vote is not whether your
6 legal assistants or aides behind you can concoct some
7 legalistic mumbo-gumbo to justify restart or whether the
8 mumbo-gumbo might even be just good enough to get by the
9 United States Court of Appeals.

10 The question is whether it is right to restart TMI
11 and it is not right. UCS urges you to reject restart.

12 (Applause.)

13 CHAIRMAN PALLADINO: Does that conclude your
14 presentation?

15 MS. WEISS: Yes, it does, Mr. Chairman.

16 CHAIRMAN PALLADINO: We thank you very much. I know
17 it is difficult for me to sit here and be accused of a lot of
18 things I certainly do not feel we are doing but we are not
19 here to debate with you but rather to make sure that we get
20 the information that you have.

21 MS. WEISS: This is the last time. I figured I had
22 better speak from my heart.

23 (Applause.)

24 CHAIRMAN PALLADINO: Thank you very much. Any
25 commissioner questions?

1 (No response.)

2 CHAIRMAN PALLADINO: thank you.

3 (Applause.)

4 CHAIRMAN PALLADINO: I wonder if we could now have
5 the members of the staff who are going to make a presentation
6 join us at the table.

7 STATEMENT BY NRC STAFF

8 MR. GOLDBERG: Chairman Palladino and Commissioners,
9 my name is Jack Goldberg and I am counsel for the staff in the
10 restart proceeding. With me to my immediate right is Darrell
11 Eisenhut, Deputy Director of the Office of Nuclear Reactor
12 Regulation, and to his right is John Stultz, Chief of
13 Operating Reactors Branch Four.

14 The staff's presentation today will consist of my
15 brief remarks summarizing the staff's position on whether the
16 effectiveness of the TMI-1 shutdown order should be lifted at
17 this time.

18 In response to the accident at Three Mile Island
19 Unit-2 in March of 1979 the Commission issued an order on July
20 2, 1979 stating that it lacked the requisite reasonable
21 assurance that Three Mile Island Unit-1 facility, a reactor of
22 design similar to that of unit-2, could be operated without
23 endangering the public health and safety.

24 Accordingly, the Commission directed that the TMI-1
25 facility remain in a shut-down condition until further order

1 of the Commission and that a hearing be conducted prior to any
2 restart of the facility. The July 2nd order was made
3 immediately effective.

4 On August 9, 1979 the Commission issued an order and
5 notice of hearing in which it specified the bases for its
6 concerns regarding the operation of TMI-1 and set out
7 procedures to govern further proceedings.

8 The Commission established a Licensing Board to
9 preside over the restart proceeding and render an initial
10 decision. In addition, the Commission instructed that if the
11 Board issued a decision recommending restart of TMI-1 and if
12 the staff certified to the Commission that the licensee had
13 completed all the necessary action items, it would issue an
14 order deciding whether the provision of the August 9, 1979
15 order requiring the licensee to shut down would remain
16 immediately effective.

17 In its August 9th order the Commission stated that
18 it would, "issue an order lifting the immediate effectiveness
19 if it determines that the public health, safety or interest no
20 longer require immediate effectiveness."

21 Subsequently the Commission made it clear that the
22 Commission is "the exclusive administrative body with the
23 power to determine whether unit-1 may restart during the
24 pendency of any possible appeals of a Board decision before
25 the Atomic Safety and Licensing Appeal Board."

1 The Commission's immediate suspension of the TMI-1
2 license without affording the licensee an opportunity for a
3 prior hearing is an extraordinary agency action which is
4 justified only so long as the facts supporting that action
5 exist.

6 When the circumstances no longer exist, the
7 Commission should lift the suspension and restore the original
8 rights under the license.

9 In the instant proceeding then the Commission must
10 determine based on the licensing Board's partial initial
11 decisions and the related appeal board and commission
12 decisions and now I am quoting from the Commission's Order,
13 CLI-81-34, "Whether the concerns which prompted its original
14 immediate suspension of August 9, 1979 justify a **continuation**
15 of that suspension and if they do not **and** the Commission
16 therefore can no longer find that the public health, safety
17 and interest **mandates** the suspension, then the Commission is
18 **required** by law whatever the nature of the licensing board's
19 decision to lift that suspension immediately."

20 "Consequently, the critical question for the
21 Commission's consideration is whether the resolution of the
22 issues in the partial initial decision removes the public
23 health, safety or interest concerns which form the basis for
24 the immediately effective suspension of the TMI-1 operating
25 license."

1 I would like to now briefly review the bases for the
2 Commission's decision to make the shut-down order immediately
3 effective and the Licensing Board's partial initial decision
4 which address those bases.

5 The bases for the Commission's imposition of its
6 immediately effective shut-down order for TMI-1 were certain
7 concerns identified in the August 9, 1979 order as further
8 specified in the Commission's March 6, 1980 and March 23, 1981
9 orders. These concerns involve plant design and procedures,
10 unit separation, emergency planning and the management
11 capability and technical resources of the licensee.

12 For each of these areas of concern the Commission
13 identified short term and long term actions recommended by the
14 director of NRR as necessary and sufficient to resolve those
15 concerns which prompted the Commission's immediate effective
16 shut-down order.

17 The Commission directed that the Licensing Board
18 consider based on the evidence presented at the hearing
19 whether the short term actions are necessary and sufficient to
20 provide reasonable assurance that TMI-1 can be operated
21 without endangering the public health and safety and should be
22 required before resumption of operation and whether the long
23 term actions are necessary and sufficient to provide
24 reasonable assurance that the facility can be operated for
25 the long term without endangering public health and safety and

1 should be required as soon as practical.

2 All of the specific issues delineated by the
3 Commission in its orders as well as other issues raised by
4 parties and the Licensing Board were addressed during the
5 hearing and were the subject of findings and conclusions in
6 the Licensing Board's partial initial decisions.

7 The staff believes that the Licensing Board's
8 findings on all the issues remove the bases for the
9 immediately effective shut-down order. The staff has
10 submitted its comments on immediate effectiveness with respect
11 to the Licensing Board's August 27, 1981 management partial
12 initial decision, its December 14, 1981 plant design and
13 procedures separation and emergency planning partial initial
14 decision and its July 27, 1982 partial initial decision on
15 cheating.

16 In summary, the staff stated in these pleadings that
17 the findings reflected in those PID's if accepted by the
18 Commission remove the corresponding bases for the immediately
19 effective shut-down order.

20 In addition, the Commission now has the Licensing
21 Board's May 3, 1985 partial initial decision on the remanded
22 issue of license operator training at TMI-1 which concluded
23 that subject to the condition that licensee develop and
24 implement a plan to evaluate the performance of trained
25 operators and senior reactor operators in the job setting for

1 revision of its TMI-1 license to operate a training program
2 the remanded training issues are resolved in favor of restart.

3 It should be noted that this condition by the
4 explicit terms of the Licensing Board's order is a long term
5 requirement within the meaning of the Commission's notice of
6 hearing for the restart proceeding and need not be implemented
7 before restart.

8 In response to the arguments that the Commission
9 must or should hold further hearings before a restart
10 decision, the Commission has correctly concluded in CLI-85-2
11 and once again just recently in CLI-85-7 that no further
12 hearings as part of the restart proceeding are warranted.

13 In summary, the staff believes that the Commission's
14 concerns which form the basis of its immediately effective
15 shut-down order have been resolved in favor of restart by the
16 Licensing Board's partial initial decisions and the various
17 appeal board and commission decisions in this proceeding.

18 Consequently, the Commission can now lift the
19 shut-down order and authorize restart subject only to the
20 license conditions which have been ordered by the Commission,
21 the Appeal Board and the Licensing Board and to the staff's
22 final certification of licensee's completion of the required
23 action items.

24 Finally, the staff notes that if the Commission does
25 authorize restart Region 1 will monitor the TMI-1 power

1 ascension in accordance with a program for augmented
2 inspection, coverage and hold points.

3 The program was briefly described to the Commission
4 by Regional Administrator Dr. Murley during the Commission's
5 public meeting on April 17, 1985.

6 With respect to the status of the staff's final
7 certification of the required action items, there is in
8 preparation a final certification paper which will be provided
9 to the Commission by May 29, 1979. The staff expects to be
10 able to certify as complete all of the required action items.
11 Such certification will be made after and in light of the
12 staff's evaluation of the concerns raised by UCS in the recent
13 letters that certain changes by licensee effect the validity
14 of the staff's certification of certain action items.

15 It is the staff's view that none of the concerns
16 raised in these UCS letters raises a significant safety issue
17 and none provides a bar to restart.

18 Thank you.

19 (Applause.)

20 MR. EISENHUT: Mr. Chairman, in an overall summary
21 the staff has concluded that all of the requirements as
22 defined over the last years of dialogue with the Commission,
23 all of those requirements that are needed to protect the
24 public health and safety have been adequately resolved

25 They not only include the certification items that

1 have been discussed but they also include all other applicable
2 requirements such as generic issues and all other matters that
3 effect other operating B&W plants.

4 Accordingly, it is the staff's conclusion that we
5 have the reasonable assurance that the plant can be restarted
6 and operated without endangering public health and safety.

7 FROM THE FLOOR: Baloney.

8 (Applause.)

9 MR. GOLDBERG: Mr. Chairman, that concludes our
10 statement.

11 CHAIRMAN PALLADINO: Thank you. Any comments or
12 questions by the Commissioners?

13 (No response.)

14 CHAIRMAN PALLADINO: Thank you. If we could next
15 have come to the table the representatives of the licensee.

16 STATEMENT OF THE LICENSEE

17 MR. KUHNS: Mr. Chairman, I am Bill Kuhns, chairman
18 of GPU, director of GPU. I have with me on my left Jack
19 O'Leary, Chairman of the Board of GPU-Nuclear and on my right,
20 Phil Clark, President and Chief Executive Officer of
21 GPU-Nuclear and we would like each to say a few words and then
22 receive your questions if we may.

23 We appreciate the opportunity to be here today. The
24 issue of TMI-1 restart has been extensively examined and
25 discussed over the past six years. During that time attention

1 has frequently focussed on a few items at a time. The overall
2 picture has tended to be lost and we would like today to
3 address that overall picture.

4 The GPU system response to the TMI-2 accident has
5 been sweeping and broad. We have made substantive changes in
6 all aspects of our nuclear program.

7 FROM THE FLOOR: You are still around!

8 MR. KUHNS: That's true. I am still around.

9 (Laughter.)

10 MR. KUHNS: Some think that one of the reasons we
11 have made all these changes is that I am still around.

12 (Applause.)

13 MR. KUHNS: We have made substantive changes in all
14 aspects of our nuclear program. It is not been a quick fix
15 but rather a deliberate thoughtful program of developing what
16 we want to be the finest nuclear operation in the country and
17 we mean that.

18 We have established a new subsidiary, GPU-Nuclear,
19 with highly qualified management. It is deliberately
20 structured to provide the appropriate checks and balances in
21 management visibility of the nuclear activities.

22 The expanded GPU-Nuclear Board of Directors and its
23 Nuclear Safety and Compliance Committee were established at
24 our initiative. We believe they are appropriate and effective
25 and they will continue as a part of our nuclear operation.

1 We have been unstinting in providing resources to
2 our nuclear activities. We have a corporate and a personal
3 commitment to safety and excellence. We accept responsibility
4 for what has happened and although the operation of TMI-1 will
5 continue to be subject to more scrutiny than any other plant
6 in the world, we realize that that external scrutiny does in
7 no way relieve us of our continuing responsibility for safety
8 and excellence.

9 We believe that there is strong evidence that our
10 commitment and our efforts have been effective and provide a
11 sound basis for a determination that TMI-1 will be operated
12 safely.

13 GPU-Nuclear is ready and able to operate TMI-1
14 safely. The plant is ready and its operation will not present
15 a safety concern to the timely and efficient clean-up of
16 TMI-2.

17 With the respect for the technology that has grown
18 out of our unprecedented experience and learning and with
19 confidence based on the nuclear team we have in place today,
20 we ask respectfully for your approval.

21 I assure you that approval will not relax our
22 commitment to safety and excellence but will be accepted by us
23 as a trust which we will not violate.

24 At this point I would like to turn the presentation
25 over to Jack O'Leary, Chairman of the Board of GPU-Nuclear.

1 MR. O'LEARY: Thank you, Mr. Kuhns. Mr. Chairman
2 and Commissioners, I have now been chairman of the board of
3 GPU-Nuclear for something over a year. We have previously
4 advised the Commission regarding the other Board members. I
5 have attached a summary of that information.

6 The Board of Directors of GPU-Nuclear is
7 exceptionally active in discharging its responsibilities. It
8 meets each month for a full day. At least two meetings each
9 year are held at each nuclear site where we hear directly
10 from site management and inspect the plant.

11 In addition, we have as outside the directors
12 extensive contacts with members of management and with
13 operating personnel at all of the plants. This provides the
14 Board with an opportunity to hear from its Nuclear Safety and
15 Compliance Committee, NSCC, at each monthly meeting and we
16 have received two summaries reports from that committee.

17 In forwarding the latest report dated April 16,
18 1985, the NSCC Chairman stated, "The Committee identified no
19 instances of non-compliance. Safety attitudes and practices
20 are satisfactory." The report itself has been provided to the
21 Commission, the Commission staff and to other interested
22 parties.

23 The mission of GPU-Nuclear has been formally defined
24 and gives unequivocal priority to safety. All of us who serve
25 as outside directors of the Board including the three who form

1 the Nuclear Safety and Compliance Committee are fully
2 satisfied that the priority on safety is fully understood and
3 accepted by GPU-Nuclear management and that the members of
4 management are qualified and dedicated to carrying it out.

5 It is indeed turning out to be an excellent
6 organization.

7 There have been suggestions that improper pressures
8 that are counter to safety have been exerted by senior
9 management of the corporation. We can assure you based on our
10 close monitoring of day-to-day operations that no such
11 pressures exist.

12 Finally, in the board's view all resources needed to
13 conduct the company's nuclear operations safely have been and
14 are being provided.

15 I would now ask Mr. Clark to continue our
16 presentation.

17 MR. CLARK: Mr. Chairman and Commissioners, my
18 statement addresses the physical readiness of the plant, the
19 readiness of the staff, emergency preparedness and the extent
20 of the publicly available record.

21 In summary, I believe there is ample basis in the
22 public record for you to conclude that the questions and
23 concerns which cause the immediately effective shut-down
24 orders have been resolved and to conclude that GPU-Nuclear has
25 demonstrated the ability to operate TMI-1 safely and at the

1 same time to clean-up TMI-2 safely.

2 The TMI-1 plant is ready to start-up. We have made
3 appropriate modifications to respond to the lessons learned
4 from the TMI-2 accident and from other nuclear plant operating
5 experience. The steam generators have been repaired and
6 returned to licensing basis condition.

7 With the exception of a few items which can only be
8 checked during actual restart, the plant including the steam
9 generators and the modifications has been tested and shown to
10 be satisfactory.

11 Start-up of any plant after a substantial shut-down
12 period always identifies some problems. TMI-1 will be no
13 exception.

14 However, we have defined a careful program for
15 restart including an extensive test program. We also proposed
16 and will operate for several weeks at each of two intermediate
17 power levels to provide added assurance of equipment
18 performance and operator familiarity before we proceed to full
19 power.

20 The organization and its people, we believe, are
21 ready to operate the plant safely. The GPU-Nuclear
22 organization's structure and the key operating management at
23 TMI-1 have been in place since GPU-Nuclear became the licensee
24 in January of 1982. They are experienced with that plant.

25 A number of comments today focused on the people.

1 There was a statement made that people are the most important
2 lessons from the accident. We absolutely agree. My statement
3 of August of 1984 to this Commission says and I quote from
4 that, "The major lessons from the TMI-2 accident were not, of
5 course, the hardware lessons. They were the people-related
6 lessons, the need for the utility to have substantially
7 greater numbers of its own technically qualified people to
8 effectively manage and direct its nuclear activities for
9 greatly improved training, for improved procedures, for
10 greater formality in discipline."

11 So we agree with the prior speakers. We have stated
12 that repeatedly and we have addressed that.

13 The staff at TMI has demonstrated the ability to
14 modify and maintain the plant and to the maximum extent
15 possible under the shut-down order to operate the systems and
16 equipment.

17 The staff has extensive operating experience. We
18 have a full six shifts of trained and licensed, I might say
19 re-licensed, re-examined operators, full-time, on-shift,
20 qualified shift technical advisors and full-time, on-shift
21 degree'd QA monitors.

22 In addition, our programs in such vital areas as
23 training, quality assurance and radiological controls have
24 been expanded and enhanced where they are amongst the best in
25 the industry.

1 In response to the recent ASLB decision on training,
2 we are developing a formal method of providing feedback to the
3 training program from evaluation of actual job performance.
4 That program will be submitted formally to the staff within
5 the 30 days.

6 Turning to emergency preparedness, there have been
7 four full-scale emergency drills at TMI-1 since 1979. Company
8 performance has been rated satisfactory in each one. Earlier
9 this year NRC and FEMA formally concluded that emergency
10 preparedness at TMI and in the surrounding counties has been
11 demonstrated to be adequate to protect public health and
12 safety.

13 A great deal of attention has been focused recently
14 on the adequacy of the public record. My statement includes
15 statistics on that. You heard many of those from an earlier
16 speaker and I won't repeat them.

17 All pertinent issues however have been addressed and
18 have been shown to pose no significant safety question related
19 to TMI-1 operation.

20 In addition, on the great majority of the issues the
21 agency's review process has been completed through the appeal
22 process and the Appeal Board decisions issued. This is
23 beyond the point of which the Commission licensing decisions
24 are normally made.

25 Contrary to prior statements made here today and as

1 I am sure you know, hearings have been held on management
2 competence, on steam generator repair and other issues.

3 Finally, overall evaluations of TMI-1 by both INPD
4 and your systematic assessment of licensee performance program
5 are publicly available and give us good ratings.

6 There have been and likely will continue to be
7 attempts to re-raise old issues or introduce new allegations
8 here at the last minute. I think we heard today particularly
9 from the Aamodt's some new specific allegations.

10 We have confidence that these will be treated for
11 what they are. It is clear and was reinforced today that some
12 of the parties involved will never be satisfied to see TMI-1
13 operate and will continue to seek any basis for delay.

14 (Applause.)

15 MR. CLARK: Contrary to Governor Thornburgh's
16 statement earlier today as you and your staff know and as the
17 record shows, GPU has gone far beyond the requirements of the
18 hearing. There have been many improvements and changes of
19 great significance made at the company's initiative and many
20 more at the staff's initiative. We have not solely responded
21 to the licensing board process as alleged.

22 The issues which form the basis for immediate
23 effectiveness have been investigated, discussed, litigated and
24 resolved.

25 In view of the severe adverse effects of continued

1 shut-down, we believe that both law and fairness require the
2 lifting of the shut-down orders be made immediately effective.

3 Thank you.

4 (Applause.)

5 CHAIRMAN PALLADINO: Thank you. I would like to ask
6 one question. Mr. O'Leary, you mentioned in your remarks that
7 as one of the outside Board members or at least the outside
8 Board members and yourself are fully satisfied that the
9 priority in safety is fully understand and accepted by GPU and
10 their management.

11 My question is, on what basis have you made this
12 judgment? What evaluation process have you gone through?

13 MR. O'LEARY: Mr. Chairman, really on two broad
14 bases. First of all, I have been a member of the Board of the
15 parent corporation since the fall of 1979 and I have seen the
16 agonizing that senior management has gone through over this
17 period.

18 The dedication that I have seen over that period of
19 time on the part of the senior people in GPU has been constant
20 and I think I am at the point now where I simply have no
21 questions about it.

22 A closer look has been accorded us through the NSCC,
23 the group of outside directors that consists the committee
24 that looks specifically at safety items in the plant. They
25 have an independent staff that they hired and that reports

1 directly to them that in effect monitors plant operations
2 day-to-day, shift-to-shift on the two plants that they are
3 asked to cover, that is, Oyster Creek and TMI-1.

4 In the discussions that we have had with the staff
5 members who are out there in the plants looking at it we get a
6 very clear perception of the attitude of senior managers,
7 middle managers and on down into the supervisory levels.

8 From that grows the assurance that I have reflected
9 in my statement here that we can tell you that there is simply
10 no compromising and it really should not come as a surprise,
11 Mr. Chairman, given the history of this corporation. There is
12 no compromising in the attitude of this corporation with
13 regard to safety first.

14 CHAIRMAN PALLADINO: Let me ask you this. Do you
15 get as Board members, do you get into enough detail to ferret
16 out problems and let me just bring up an example. In the
17 staff's efforts to look at equipment qualifications, they
18 found flaws in the way the records were kept and they had
19 difficulty in even finding whether they were auditable.

20 Those are the kinds of indications that leave
21 lingering doubts in a lot of people's minds. I was wondering
22 does the Board or even the committee, the special committee,
23 get into enough detail to look into those things?

24 MR. O'LEARY: Mr. Chairman, the Board of General
25 Public Utilities Nuclear Corporation in the year and four

1 months or thereabouts that I have served on it has spent the
2 bulk of three board meetings on this EQ problem.

3 We have had in the members of the staff who are
4 responsible for it. We talked to plant management at length.
5 We have talked to Mr. Clark and his immediate associates at
6 length on it. We have understood it as it has developed, the
7 dialogue between the Commission staff and the corporation.

8 We have been without really getting into the details
9 of qualification of specific pieces of equipment, we have been
10 aware of the generic problems that are involved, the strategic
11 objectives that were sought to be served by you, your staff
12 and have been a party to the effort to bring the company into
13 compliance.

14 I think as we look back upon that, that that has
15 been a very difficult chore particularly given the vintaging
16 of construction of Oyster Creek but it has worked out and I
17 believe that we will achieve all of your goals in this area.

18 CHAIRMAN PALLADINO: You speak of monitoring
19 somewhere in your talk, are you satisfied that you have
20 sufficient monitoring in items such as the EQ matter and other
21 equally important or even more important safety issues will
22 come to the Board's attention?

23 MR. O'LEARY: Mr. Chairman, there are really a
24 couple of ways that we get at this. First of all, the outside
25 members of the Board have unlimited access to any level of

1 management within the Nuclear Corporation.

2 I talk to people all the time. I will feel quite
3 free to call them upon the phone and ask them about a
4 problem. As a matter of fact sometimes I think that they
5 think that I ask about too many problems from the standpoint
6 of their conducting their own business in a business-like
7 way. The other outside directors do the same. So we have
8 access on those terms.

9 In addition to that as I said, the outside directors
10 through the NSCC have a staff, a seven-person staff, that is
11 located in the plants and again has total access up and down
12 the line, can look into anything they want at any hour they
13 want to look into it, can look into any set of records that
14 are kept by the corporation, by the plant, can look at the
15 reaction during drills of plant personnel. They go in and sit
16 with the operators during shifts. They watch shift turnovers
17 frequently. So we have that access.

18 In addition, I receive the bi-weekly reports from
19 the management of each plant in which in a statement of
20 anywhere from four to 20 pages every two weeks the plant lays
21 out its problems, the events that have occurred during that
22 period of time, how their passage is proceeding and we receive
23 in the course of those reports inspection reports by at least
24 six company personnel who are out looking again at odd hours,
25 3:00 a.m. or 4:00 a.m., at what the plant is doing, are people

1 alert, are they attending to business.

2 We read those and if there is a question, if I see a
3 question on those, I feel quite free to call the plant
4 management and ask about it.

5 If there is a serious question that arises, we will
6 take it up at a board meeting and quiz the plant personnel. I
7 have to tell you that up until this point during my tenure at
8 least there has not been a single instance in which after
9 examination there is even a lingering concern with regard to
10 dedication of the plant personnel to their primary mission
11 which is safety.

12 CHAIRMAN PALLADINO: Let me ask if my fellow
13 Commissioners have any comments?

14 COMMISSIONER ASSELSTINE: I have just one. My
15 question doesn't have to do with I think the kinds of issues
16 that we have to face next week but as I sat and listened today
17 I was thinking to myself that perhaps one of the things that
18 you gentlemen should have and probably did think about five or
19 six years ago was how do we build support and confidence among
20 the people who live around that plant, the officials of the
21 state of Pennsylvania, that in fact you are on a new track now
22 as Governor Thornburgh said, that something like this will
23 never, ever happen again.

24 The more I listened today the more I got the sense
25 that that part of things is a real mess. There is a real

1 difficulty there. You just have to listen to the governor and
2 the senators and the local congressmen and some of the people
3 that have spoken today to appreciate that fact.

4 I wonder if you have thought what went wrong, why
5 did this happen, what could have been to change at least that
6 part of it. It doesn't so much have to do with us in our
7 decision but I just wonder if you have thought about that part
8 of things and how we got to where we are and what possibly
9 could have been done to avoid that part of the situation.

10 MR. CLARK: Mr. Commissioner, I guess I would like
11 to respond in two parts. One, I think a lot of the current
12 problem stems from what was clearly inadequate flow of
13 information at the time of the accident and that is no
14 revelation. The Kemeny Commission concluded that.

15 There has been a great deal done as you know by the
16 Commission and by all the licensees including us in order to
17 assure prompt accurate reporting of information in any event
18 of interest. That is tested in our drills and has been shown
19 to be working effectively.

20 We have gone beyond that. You are aware of the
21 classification of emergencies, of unusual events, et cetera.
22 We have an event of potential public interest which is a lower
23 classification yet than the four and there are call-outs to
24 public officials in order to advise them of what is going on,
25 what has happened, so that they will have the information to

1 respond to inquiries.

2 It is a very active program. I think I had though
3 this weekend with some of the demonstrations there six events
4 of potential public interest.

5 Going beyond that, we have a major program of
6 communications with the community. We have two speakers out
7 every day. We have run a series of public meetings in
8 cooperation with the local communities around TMI where over
9 for the course of a year and a half we went to every community
10 at night with an individual letter to each person of record
11 within the community, made a presentation on where we were
12 and responded to questions.

13 I have to say and I did a lot of those myself that I
14 was quite disappointed that out of 7,000 or 8,000 letters we
15 would get 60 people come out. Nonetheless, we are continuing
16 the program.

17 We have people who are going into the schools on
18 energy education. We have people who go to the local
19 governments every two weeks or every month. We are in a
20 position now which I am told is unprecedented where we provide
21 a status report at many local government formal meetings.
22 They are monthly meetings and we give them TMI status report
23 to keep them up to date.

24 If we can find more things that will be effective,
25 we would try them. We really would. This is a major effort.

1 I have 35 people full-time devoted to that and probably five
2 of them at Oyster Creek and 30 at TMI. We are looking for
3 input. We have a safety advisory board for TMI-2 clean-up as
4 you probably know, Dr. Fletcher. They have a citizen advisory
5 panel or something like that, a sub-group under Dr. Friedman,
6 who have established I think it is 24 local contacts from whom
7 they seek input on how are we doing and they give us feedback
8 as to whether this seems to be helping or not.

9 So we have thought about it. We have responded I
10 think to a considerable extent and are still trying to do
11 better. We obviously have not made it.

12 I think it also would be of interest to you and I
13 know we submitted this to you, we had a public opinion poll
14 taken around TMI last fall by an outside agency. The first
15 question was, what are the big issues of concern around here.
16 It said it nicer in poll taker language. TMI does not show up
17 in terms of a first initiative response.

18 Congressman Walker was not here today but he had his
19 own poll taken and published and he showed 55 percent for and
20 45 percent against. It is my understanding that that is
21 pretty comparable to what you find in similar polls around any
22 nuclear plant in the country.

23 The thing I was surprised at is of the 55 percent
24 for, as I recall the numbers, two-thirds or more of those were
25 strongly for and of the 45 percent against, fewer than

1 one-half were strongly against.

2 I think there is a problem of are we all getting
3 full comprehensive average balanced input and I would suggest
4 that perhaps in a proceeding such as this, you don't.

5 MR. KUHNS: Let me just expand on that a bit because
6 I think it is an important question obviously. It is no
7 source of comfort to us to sit here and hear ourselves
8 criticized the way we were today and have been before and it
9 does go back to the communications I believe on the day of the
10 accident.

11 I think it was deeply aggravated by the cheating
12 episode by some of our operators and the criminal conviction
13 for leak rate testing. These are things which understandably
14 cause people, the good people in central Pennsylvania, to feel
15 betrayed. It takes a hell of a long time to rebuild their
16 confidence and their understanding.

17 I frankly think the only way we will ever do it is
18 by performance, by the kinds of concerns and directions --

19 (Applause.)

20 MR. KUHNS: I mean that very sincerely and I think
21 it is true for the entire nuclear industry. Safety and
22 excellence have to be the by-words. If the industry is to
23 survive, let alone TMI --

24 FROM THE FLOOR: The people survive.

25 MR. KUHNS: -- and we are committed to that,

1 gentlemen.

2 FROM THE FLOOR: You are a criminal, Kuhns.

3 CHAIRMAN PALLADINO: Ladies and gentlemen, you have
4 been very good so far. Let's keep it that way. Do you have
5 any more comments or questions?

6 (No response.)

7 MR. KUHNS: Thank you very much.

8 CHAIRMAN PALLADINO: Let me make a few closing
9 remarks. At this time we would like to thank all of the
10 speakers that came before us today and I would like to thank
11 our audience for its interest and attention. Recognizing the
12 high state of emotion associated with many of these problems,
13 I really appreciate the courtesy given by our audience today.

14 As I think most of you know, the Commission has
15 scheduled a public meeting for Wednesday, May 29th to vote on
16 whether or not to lift the immediately effective shut-down
17 order for TMI-1. That meeting is scheduled for 2:00 p.m. on
18 May 29, 1985.

19 I believe that I speak for all the Commissioners
20 when I say that each of us will be giving careful
21 consideration to the views presented today as well as all the
22 other information that we have received over the past several
23 years.

24 We will give that attention in our judgments that we
25 will hopefully make on the 29th. Do any other Commissioners

1 have any other closing remarks they would like to make?

2 (No response.)

3 CHAIRMAN PALLADINO: We thank you all and unless
4 there is more to come before us, we will stand adjourned.

5 (Whereupon, the Commission meeting was adjourned at
6 5:30 o'clock p.m., to reconvene at the Call of the Chair.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2
3
4
5 This is to certify that the attached proceedings
6 before the United States Nuclear Regulatory Commission in the
7 matter of:

8
9 Name of Proceeding: Oral Presentations by Participants
10 on Lifting Immediate Effectiveness
of 1979 Shutdown Orders for TMI-1
(Public Meeting)

11 Docket No.:

12 Place: Washington, D. C.

13 Date: Wednesday, May 22, 1985

14
15 were held as herein appears and that this is the original
16 transcript thereof for the file of the United States Nuclear
17 Regulatory Commission.

18
19 (Signature)

(Typed Name of Reporter)


Barbara Whitlock

20
21
22
23 Ann Riley & Associates, Ltd.
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech

SERVED MAY 22 1985

DOCKETED
USNRC

In the Matter of
METROPOLITAN EDISON COMPANY
(Three Mile Island Nuclear
Station, Unit No. 1)

'85 MAY 21 P5:18

Docket No. 50-289 SP

(Restart)

DOCKETING & SERVICE
BRANCH

ORDER

The Commission has granted the request of United States Senator John Heinz to speak at the Commission's May 22, 2 p.m. meeting. Accordingly, the order of appearance of speakers and the time allotted for each presentation is revised to read as follows:

The Honorable Richard Thornburgh-----	10 minutes
The Honorable John Heinz-----	5 minutes
The Honorable Arlen Specter-----	5 minutes
The Honorable George Gekas-----	5 minutes
The Honorable Bob Edgar-----	5 minutes
The Honorable Don Ritter-----	5 minutes
The Honorable Larry Hochendoner-----	5 minutes
Norman and Marjorie Aamodt-----	10 minutes
Three Mile Island Alert-----	10 minutes
Union of Concerned Scientists-----	10 minutes
NRC staff-----	10 minutes
Licensee-----	10 minutes

It is so ORDERED.



For the Commission

Samuel J. Chilk
SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, DC
this 21st day of May, 1985.

STATEMENT OF THE HONORABLE DON RITTER (PA-15)

ON BEHALF OF MEMBERS OF CONGRESS
BEFORE THE NUCLEAR REGULATORY COMMISSION

SERVED MAY 29 1985

MAY 22, 1985

DOCKETED
USNRC

'85 MAY 29 A10:06

CHAIRMAN PALLADINO AND COMMISSIONERS:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MY NAME IS CONGRESSMAN DON RITTER (15TH DISTRICT, PENNSYLVANIA), AND I AM
SPEAKING ON BEHALF OF MYSELF AND THE UNDERSIGNED MEMBERS OF CONGRESS.

YOUR MEETING TODAY AND NEXT WEEK'S SCHEDULED VOTE ON WHETHER TO LIFT THE
SHUTDOWN ORDER FOR THREE MILE ISLAND UNIT I WILL FINALLY PROVIDE AN ANSWER THAT
HAS BEEN FOREMOST IN THE MINDS OF A LARGE SEGMENT OF THE CITIZENS OF
PENNSYLVANIA AND IS OF INTEREST TO THE NATION AS A WHOLE. YOUR RESPONSIBILITY
IS NOT AN EASY ONE. PUBLIC CONCERN DURING THE LAST SIX YEARS ABOUT NUCLEAR
POWER IN GENERAL, AND TMI SPECIFICALLY, HAS CONTINUOUSLY FOCUSED ATTENTION ON
THE NUCLEAR REGULATORY COMMISSION AND ITS MEMBERS TO ASSURE PUBLIC HEALTH AND
SAFETY.

THE NRC'S ADMINISTRATIVE PROCESS ON THE RESTART OF TMI-I HAS OFTEN
APPEARED TANGLED AND CONFUSED WITH PARTIAL INITIAL DECISIONS LEADING TO
APPEALS, RESULTING IN REOPENED AND REMANDED HEARINGS AT EVERY TURN. NUMEROUS
DECISIONS MADE BY THE ATOMIC SAFETY AND LICENSING BOARD HAVE BEEN REVIEWED AND
WHERE NECESSARY RESOLVED BY THE ATOMIC SAFETY AND LICENSING APPEAL BOARD.
HOWEVER, THAT IS BEHIND US TODAY. THE TMI-I RESTART RECORD IS NOW COMPLETE.

854534372

YOU, THE COMMISSIONERS, MUST NOW WEIGH THE ADJUDICATORY RECORD CREATED DURING THE NEARLY SIX YEARS OF HEARINGS AND DECIDE WHETHER TMI-I MAY RESTART. THESE HEARINGS HAVE BEEN CHARACTERIZED ONE OF THE MOST ADJUDICATED PROCEEDINGS EVER CONDUCTED UNDER THE ATOMIC ENERGY ACT, ENCOMPASSING OVER 160 DAYS OF EVIDENTIARY HEARINGS INVOLVING MORE THAN 190 WITNESSES. NEARLY 40,000 TRANSCRIPT PAGES OF EVIDENCE HAVE BEEN COMPILED. THE ASLB HAS ISSUED OVER 1200 PAGES OF DECISIONS. APPELLATE REVIEW OF THESE DECISIONS HAS TOTALLED IN EXCESS OF 1000 PAGES.

THESE STATISTICS REFLECT ONLY THE FORMAL PROCEEDINGS BEFORE THE ADMINISTRATIVE BOARDS, AND THE ASLB RECEIVED AND CONSIDERED MORE THAN 2000 WRITTEN LIMITED APPEARANCE STATEMENTS AND OVER 200 LIMITED APPEARANCES INVOLVING ORAL STATEMENTS. YOU ALSO HAVE RECEIVED COUNTLESS WRITTEN AND ORAL STATEMENTS FROM CONCERNED CITIZENS, THE GENERAL PUBLIC, ELECTED OFFICIALS, AND MEMBERS OF CONGRESS DURING THIS PROCEEDING.

NO ONE CAN TELL YOU WHAT DECISION TO MAKE. THE RECORD SPEAKS FOR ITSELF. THAT RECORD SHOWS THAT THE ATOMIC SAFETY AND LICENSING BOARD HAS FOUND THAT TMI-I CAN BE OPERATED SAFELY SO AS TO ASSURE THE PUBLIC HEALTH AND SAFETY. YOU HAVE DECIDED THAT NO FURTHER HEARINGS ARE NECESSARY. WE SUPPORT THAT DECISION. THE RECORD AS IT STANDS TODAY IS SUFFICIENT TO MAKE A DETERMINATION ON THE MERITS OF WHETHER TMI-I MAY RESTART. FURTHERMORE, MEMBERS OF CONGRESS ARE NOT ALONE IN THEIR BELIEF THAT A BALANCED DECISION CAN BE BASED ON THE EXISTING RECORD. MR. DON BAILEY, NEWLY ELECTED AUDITOR GENERAL OF THE COMMONWEALTH OF

PAGE 3

PENNSYLVANIA AND FORMER MEMBER OF CONGRESS, IS URGING THE COMMISSION TO MOVE FORWARD ON A RESTART DECISION. MR. BAILEY IN HIS LETTER OF MAY 21, 1985, TO CHAIRMAN PALLADINO STATES

"[G]IVEN THE INFORMATION AVAILABLE TO THE COMMISSION, INCLUDING THE GREAT DEGREE OF PUBLIC AWARENESS, THE GREAT AMOUNT OF TIME THAT THE PUBLIC HAS INVESTED IN THE APPEAL PROCESS, I VERY STRONGLY RECOMMEND THAT THE COMMISSION CONCLUDE THE SIX YEAR DEBATE AND REACH A DECISION."

IN SUMMARY, WE THE UNDERSIGNED BELIEVE THE COMMISSIONERS SHOULD BE COMMENDED FOR RECOGNIZING THAT A DECISION ON TMI-1 SHOULD BE MADE. WE RECOGNIZE THE EMOTIONS SURROUNDING THIS ISSUE, YET THE ADJUDICATORY RECORD ON THIS ISSUE REPRESENTS AN ABUNDANCE OF INFORMATION UPON WHICH THE COMMISSIONERS CAN MAKE A REASONABLE AND BALANCED DECISION BASED ON SUBSTANTIAL EVIDENCE. SUCH A DECISION COULD NOT BE CONSTRUED AS ARBITRARY AND CAPRICIOUS, AN ABUSE OF DISCRETION, OR CONTRARY TO LAW.

WE URGE THIS COMMISSION TO ADHERE TO YOUR PUBLISHED RECORD.

Don Ritter

Don Ritter, M.C.

Joseph M. Gaydos

Joseph M. Gaydos, M.C.

Bill Hendon

Bill Hendon, M.C.

Bill Clinger

Bill Clinger, M.C.

Bill Boner

Bill Boner, M.C.

Tom Ridge

Tom Ridge, M.C.

Carlos J. Moorhead

Carlos J. Moorhead, M.C.

Bob Borski

Bob Borski, M.C.

Chris Smith

Chris Smith, M.C.

Richard Shelby

Richard Shelby, M.C.

J. Bennett Johnston

J. Bennett Johnston, U.S.S.

John P. Murtha

John P. Murtha, M.C.

Austin J. Murphy

Austin J. Murphy, M.C.

James A. McClure

James A. McClure, U.S.S.

Joe Kolter

Joe Kolter, M.C.

Ralph M. Hall

Ralph M. Hall, M.C.

James T. Broyhill

James T. Broyhill, M.C.

Matt Rinaldo

Matt Rinaldo, M.C.

Jim Saxton

Jim Saxton, M.C.

Dean Gallo

Dean Gallo, M.C.

Jim Courter

Jim Courter, M.C.

Bud Shuster

Bud Shuster, M.C.