

# UNION OF CONCERNED SCIENTISTS

1346 Connecticut Avenue, N.W. • S. 1101 • Washington, DC 20036 • (202) 296-5600

UNITED STATES OF AMERICA  
BEFORE THE NUCLEAR REGULATORY COMMISSION

STATEMENT OF ELLYN R. WEISS  
HARMON, WEISS & JORDAN  
WASHINGTON, D.C.

GENERAL COUNSEL  
UNION OF CONCERNED SCIENTISTS

MAY 22, 1985

I want to begin by drawing your attention to two reasons why restart of TMI-1 would be unlawful. First, as you are all aware, the ASLB issued a decision on May 3, 1985 ruling that, as UCS had argued, operator training at TMI-1 is deficient because it provides for no objective systematic on-the-job evaluation, contrary to INPO's own guidelines which have been officially endorsed by the Commission. GPU was directed to produce a plan for correcting this within 30 days and to seek the agreement of the staff and UCS on its terms. UCS and the staff were given 15 days to respond. The ASLB also ruled that full compliance with this requirement could be treated as a long-term item i.e., delayed until after restart. UCS's view is that there was no rational basis for putting this in the long-term category. However, even if the ASLB was right in doing so, the clear terms of the order setting up this proceeding require a finding by the ASLB that reasonable progress has been

8506060485 850522  
PDR 10CFR  
PT9.7 PDR

made toward achieving compliance. Such a finding is a condition of restart. The Board did not and could not make a finding of reasonable progress since there has yet been no progress. GPU has not even submitted its plan. Therefore, you may not lawfully permit restart.

Secondly, your decision in CLI-84-11 directed the staff to certify "in two weeks" the ability of certain safety equipment in TMI-1 to survive and perform its safety function in the radiation caused by a serious accident. This is necessary in order to resolve a UCS contention clearly within the scope of the restart proceeding. Ten months later, the staff has now written to GPU that the equipment is so qualified. However, UCS is legally entitled to review and submit comments on the data and analysis used by the staff. The Commission may not lawfully resolve a factual issue in the hearings by fiat -- nor may it delegate decision-making responsibility to the staff, which was a party in this case against UCS. Thusfar, we have not been provided with the information necessary to prepare comments. This is a legal bar to restart.

Let me speak more generally now. Several of you have expressed the view that six years is enough -- it is time for a decision. We agree. In fact, we believe that you could have made your decision years ago -- a decision that GPU is not fit to hold a license to operate TMI-1. Let us all be clear. The problem with this proceeding has not been that a "yes" or "no" decision has been unduly delayed. The problem is that the Commission has never been prepared to seriously consider that "no" is an option.

The "delay" in reaching a decision has resulted from the fact that each time in the past three years that the Commission has prepared itself to allow restart, facts have emerged making that politically or legally impossible. First it was cheating operators, then material false statements, then an

indictment and guilty plea for leak rate falsification, then harassment of clean-up workers. It is now apparent that GPU made material false statements even in its original response to the NRC Notice of Violation concerning the TMI-2 accident. Even the NRC staff, which has supported GPU throughout, concluded that had it known all of what is now known regarding GPU's integrity, it would have concluded that GPU did not meet the minimum standards under the Atomic Energy Act for a nuclear plant licensee.

What is the Commission's answer? That some fundamental change in the corporation has taken place? If so, why has not a single GPU or Met-Ed employee ever been identified much less disciplined for responsibility for the leak rate falsification which has resulted in the first felony conviction of a U.S. utility for Atomic Energy Act violations? Why does GPU still continue to vouch for the integrity of Mr. Arnold and Mr. Wallace, his second in command, who is personally responsible for the false response to NRC's original Notice of Violation? And here we come to the crux of the matter. As events come to light, GPU first denies them. Then, if denial becomes no longer tenable as charges come to center on an individual, GPU's response is simply to gently nudge that individual into a nice job in that vast GPU universe beyond TMI-1. Meanwhile, it never disavows the acts of the individual nor takes any responsibility at all. Most incredibly, once shifted outside TMI-1, even if to another nuclear facility, the NRC staff has no further interest in the individual and continues to endorse the integrity of those left behind who made the reassignment without so much as disavowing the acts of the individual. There seems to be no limit to the NRC's willingness to accept this cynical manipulation.

Some of you may ask yourselves why so many conservative residents of central Pennsylvania, families with no hidden political agendas, people who believed before 1979 that the government protected them, no longer believe it. This is why. They know that the law states that the protection of the public is NRC's primary obligation. And they have seen the law reduced to meaningless words and tortuous procedural evasions. Six years is enough - it is enough to know that GPU should not be permitted to operate TMI. I only wish that I could believe that when you take your vote, you will bear seriously in mind that you do have two choices; it is not too late to affirm that the NRC really meant something when it said that nuclear licensees must have the highest standards of honesty and competence, that the public safety demands no less, and that GPU does not meet the test.

Ellyn R. Weiss  
General Counsel  
(202) 328-3500

Robert D. Pollard  
Nuclear Safety Engineer  
(202) 296-5600



# The Philadelphia Inquirer

An Independent Newspaper

Published Every Morning by Philadelphia Newspapers, Inc.  
400 N. Broad Street, Philadelphia, Pa. 19101

SAM S. McKEEL  
President

EUGENE L. ROBERTS JR.  
Executive Editor

EDWIN GUTTMAN  
Editor

Monday, March 18, 1985

Page 8-A

## NRC's decision on TMI: 'Going for the capillary'

On Aug. 9, 1979, the Nuclear Regulatory Commission determined it lacked enough information to determine that the undamaged Unit 1 reactor at the Three Mile Island nuclear plant could be safely returned to service. In an order issued that day, the NRC set forth a specific list of questions it wanted answered before voting to restart Unit 1.

As time passed, the scope of the NRC's investigation into Unit 1 broadened. New information arose about serious management and safety deficiencies at the utility, particularly about falsified records, about cheating on NRC licensing examinations, about harassment of employees who raised safety issues and about the adequacy of employee training programs. The more the NRC looked, it seemed, the more it found. And the more it found, the clearer it became that the NRC's initial reservations about the safety of the plant and the competence of those who would run it were justified.

On Feb. 25 of this year, however, the NRC majority decided it wanted to learn no more. By a 3-2 vote, it declared that "no further hearings are warranted" before voting on restarting Unit 1. In addition, the NRC decided that it would not even consider in its decision major portions of the evidence compiled to date — evidence that details serious deficiencies in design, management and safety.

Those two decisions have prompted sharply worded protests from Gov. Thornburgh and NRC Commissioner James K. Asseistine, who argue that the commission majority is blatantly ignoring the terms of its 1979 order as well as a number of NRC procedural requirements and public statements that it would not return Unit 1 to operation until the safety of the plant had been demonstrated. NRC Commissioner Frederick M. Bernthal also filed a protest of the commission's vote, labeling it the "latest and most outstanding public interest casualty" of the NRC's deliberative process.

In reciting the lengthy list of unanswered questions that the NRC majority now elects not to take into consideration, Mr. Asseistine makes special note of the commission's lack of interest in determining corporate aware-

ness of and responsibility for the illegal activities that occurred at TMI. Those activities resulted in Metropolitan Edison Co. (which operated TMI at the time of the 1979 accident in Unit 2) entering a guilty plea to seven of 11 counts of falsifying records at TMI Unit 2. The NRC has never completed its own investigation of those charges.

Mr. Asseistine asserted that "the commission does not really care to know the true extent of what occurred and who were responsible."

"Once again," he wrote, "the commission demonstrates its talent for going for the capillary in resolving an issue."

In a motion filed last week with the NRC, Gov. Thornburgh on behalf of the Commonwealth of Pennsylvania calls on the commission to reconsider its Feb. 25 vote and conduct additional hearings on safety and management questions prior to deciding whether to restart Unit 1.

"There should be no choice at all between resolving safety questions before cranking up a nuclear reactor, or simply putting off those questions and crossing our fingers," he said in a statement accompanying the petition to the commission.

"Further hearings in this proceeding are essential to answer questions that are basic to the health and safety of those who live within the vicinity of Three Mile Island and to their environment, and to the integrity of this proceeding and how this commission regulates the nuclear industry," the petition argued.

"If the commission's Feb. 25 order is allowed to stand, it will virtually guarantee that the record never will be sufficiently complete to justify a restart vote and that the public never will receive the safety assurances it deserves from this commission," it continued, listing areas where additional hearings were necessary.

The arguments of Commissioner Asseistine and Gov. Thornburgh are compelling and cannot be ignored. The NRC must heed them and postpone a vote on Unit 1 until all questions are resolved. That was a wise decision in 1979. The passage of time has made it even more imperative.

By Susan FitzGerald  
Inspector Staff Writer

The Nuclear Regulatory Commission voted yesterday not to disqualify an agency judge who had been accused of being biased during hearings on the Three Mile Island nuclear plant.

Bob Newlin, an NRC spokesman, said the commission voted 5-0 in a closed-door session not to dismiss Ivan Smith as chairman of an NRC licensing board that has been hearing evidence on whether the undamaged Unit 1 reactor at TMI should be restarted.

Gov. Thornburgh, the NRC staff and two other parties involved in TMI restart proceedings asked for Smith's removal earlier this year after it was disclosed that he had sent a letter to a federal judge in Harrisburg in which he urged leniency for a former TMI supervisor convicted of cheating on a federal licensing exam.

Newlin said the commission's reasons for voting against the requests to dismiss Smith would not be made public until an official order was issued and affirmed by the commission in several days. The commission's decision came under immediate attack by Thornburgh.

"If this vote, taken behind closed doors, represents a validation of Mr. Smith's conduct, it is a clear abdication of the commission's responsibility to the public interest, an abdication that I find to be particularly inexplicable since the commission's own staff joined us in calling for this man's removal," Thornburgh said.



Ivan Smith  
Conducting a 1980 TMI hearing

"I await with interest the commission's explanation as to how this decision can possibly enhance public confidence in the integrity of the restart proceeding."

NRC commissioner James Asselstine said yesterday that although he believed Smith had acted improperly when he sent the letter urging leniency for James Floyd, the former TMI supervisor, he did not think that action affected Smith's ability to rule fairly on two issues still before the licensing board.

"I do have some problems with some of the things he (Smith) did, particularly the letter," Asselstine said. "The difficulty I had was in

drawing a connection between those areas ... and the direct impact they would have in terms of the decisions that would have to be made by the licensing board."

Smith has been chairman since 1979 of a three-member licensing board that has been conducting hearings on whether GPU Nuclear Corp., the operator of TMI, should be allowed to restart its undamaged Unit 1 reactor. Unit 1 has been shut down since 1979 under an NRC order that came in the aftermath of the March 28, 1979, accident at Unit 2.

Smith, who has maintained that he did not act improperly, declined to comment on the commission's decision. Attorneys for TMI Alert, a Harrisburg citizens' group, and the Union of Concerned Scientists, a Washington group, had joined state attorneys and the NRC staff in asking for Smith's removal from the board.

In a related matter yesterday, TMI Alert asked the NRC to hold formal hearings on a request by GPU Nuclear to begin operating Unit 1 without repairing or removing from service about 225 deteriorated tubes in the reactor's cooling system.

Joanne Doroshow, an attorney for TMI Alert, said radioactive steam could be released into the environment if one of the deteriorated tubes were to burst while the Unit 1 reactor was operating. GPU Nuclear says the defects in the tubes, which are contained in the plant's steam-generating system, are so small that their condition would not affect the safe operation of the plant.

THE WALL STREET JOURNAL WEDNESDAY, MARCH 27, 1985

## Three Mile Island Licensing Official Is Backed by NRC

By ARLEN J. LARGE

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The Nuclear Regulatory Commission voted to keep one of its licensing board officials on the tangled Three Mile Island restart case, despite complaints that he is biased in favor of the nuclear power plant's owner.

The five-member commission's unanimous decision means the NRC Atomic Safety and Licensing Board headed by Ivan W. Smith can keep working on a report on the training of reactor operators by General Public Utilities Corp., which owns the plant. The report, due this spring, could open the way for the commission to vote on restarting the undamaged Three Mile Island Unit 1, which has been closed since the 1979 accident to its nearby twin.

In December, Mr. Smith wrote a letter to a federal judge considering the sentencing of a former Three Mile Island supervisor who was convicted of cheating on a reactor examination. Mr. Smith urged leniency in the sentencing, saying a "severe criminal penalty" wouldn't be useful in deterring "unlikely" future cheating incidents. The supervisor, James Floyd, has since been placed on probation and ordered to pay a \$2,000 fine and perform 400 hours of community service.

### Governor Asks Removal

Critics of GPU's plan to restart the reactor saw Mr. Smith's letter as a sign of favoritism toward the utility. His removal from the case was urged by Pennsylvania Gov. Richard Thornburgh, the NRC technical staff and two groups opposing the restart.

Last month Mr. Smith refused to step down, denying any personal bias and declaring, "I have acted honorably, ethically and appropriately." At that point the five presidentially appointed NRC commissioners took the unusual step of asserting control over the disqualification question, shortcutting the agency's internal appeals system.

Yesterday, at a closed meeting, all five commissioners voted against disqualifying Mr. Smith; their decision was announced by the NRC news office. A spokesman said an explanation of the decision will be issued later.

### GPU Backs Decision

A GPU official said the utility agrees with the NRC decision, adding that Mr. Smith has been "evenhanded" in conducting the restart proceedings.

Gov. Thornburgh, however, criticized the NRC. "I await with interest the commission's explanation as to how this decision can possibly enhance public confidence in the integrity of the restart proceedings," he said. "If this vote taken behind closed doors represents a validation of Mr. Smith's conduct, it is a clear abdication of the commission's responsibility to the public interest," the governor said.

# TMI is seeking to start up Unit 1 with deteriorated tubes in place

TMI, from 1-A

tubes could burst while the plant was operating, causing radioactive steam to leak from the plant.

Unit 1 was shut down for repairs and refueling at the time of the March 28, 1979, accident at its sister Unit 2 reactor and has been shut down since under an NRC order. General Public Utilities Corp. (GPU), the owner of TMI, has been seeking permission from the NRC for more than five years to start up the plant.

Substantial cracks and corrosion were discovered in thousands of tubes in the Unit 1 steam generators in late 1981. Steam generators are massive radiator-like devices that convert water to steam, which is then used to generate electricity by turning the plant's turbine. The tubes, made of an alloy of iron, chromium and nickel, circulate heated radioactive water through the steam generators, helping to cool the plant's reactor core.

In 1983 GPU Nuclear, a GPU subsidiary, finished plugging or repairing all 31,000 tubes in both Unit 1 steam generators, at a cost of nearly \$50 million. In October, an NRC licensing board concluded that the cracks had been successfully repaired.

But in November, the company discovered additional small defects in a total of 328 tubes. The company concluded that these defects occurred in May, when the steam generators were tested. Company officials say that tiny pieces of metal fell out of corroded areas of the tubes, causing small pits to develop.

GPU Nuclear removed from service 102 of the deteriorated tubes, which are 56 feet long and about as thick as a finger, by placing 4-inch-long plugs in both ends of the tubes. But the company decided against plugging more than 200 other tubes because it said that plugging the

Joanne Doroshow, an attorney for TMI Alert, said she was concerned that, even if one tube broke, "it could whip around and hit other tubes, causing them to rupture."

tubes was not necessary for safety and would reduce the efficiency of the reactor's cooling system.

In letters to the NRC staff dated Jan. 31 and March 1, GPU Nuclear asked permission for a variance in its Unit 1 technical specifications to allow the tubes to remain in service, despite their flaws. Under plant regulations previously approved by the NRC, steam generator tubes must be plugged or repaired if a crack or pit penetrates more than 40 percent of the way through the walls of the tube, which are 1/30th of an inch thick.

Under the GPU Nuclear proposal, steam generator tubes with cracks or pits penetrating as far as 70 percent of the way through the tube's wall could remain in service if the defects were 2/10 of an inch or less in length.

Bedell said a GPU Nuclear analysis showed that tiny defects penetrating 70 percent of the way through the tubes' walls are no more dangerous than much longer cracks that are only 40 percent of the way through.

"We are not proposing to operate this plant unsafely," he said. "That would be extremely foolhardy."

Two organizations, TMI Alert and the Union of Concerned Scientists, have asked the NRC to investigate the proposed change in the steam-generator regulations. TMI Alert plans to ask the agency to hold hearings on the safety significance of the request.

Robert Pollard, a former NRC engineer who now works for the Union

of Concerned Scientists, said that if even one tube were to rupture inside the TMI steam generators, radioactive steam could escape into the environment through plant valves.

Pollard said that he was concerned that plant operators would not be able to handle an accident involving the steam generators. "A steam-generator accident is one of the most difficult to control," he said. "These operators will have to control five different things at the same time manually. In my view it is beyond their capability."

Joanne Doroshow, an attorney for TMI Alert, said that she was concerned that, even if one tube broke, "it could whip around and hit other tubes, causing them to rupture."

Bedell said that the defects in the Unit 1 tubes are so small that it would be "virtually impossible for these to rupture." He said that if the tubes were to begin to leak, the problem would be quickly discovered and the plant would be safely shut down.

Doroshow said she believes that GPU Nuclear was seeking to avoid plugging the tubes because it is worried that it will soon have too many tubes out of operation. "GPU is fearful that it will approach the plugging limit. Their request for a change means the company is in very serious trouble," she said.

Silver, of the NRC, said there is no NRC regulation that specifically limits the number of steam-generator tubes that can be plugged. But Philip Clark, GPU Nuclear president, told

the state Public Utilities Commission last month that as a practical matter the company might have to operate the Unit 1 reactor at reduced power if 3,000 tubes were plugged overall or if 2,250 were plugged in a single generator.

TMI already has plugged 1,009 tubes in one generator and 300 tubes in the other.

Both the NRC and GPU Nuclear have concluded that the cracks and corrosion in the tubes probably occurred in 1981 when a sulfur-containing liquid accidentally leaked into water inside the steam generators and other parts of the Unit 1 reactor cooling system.

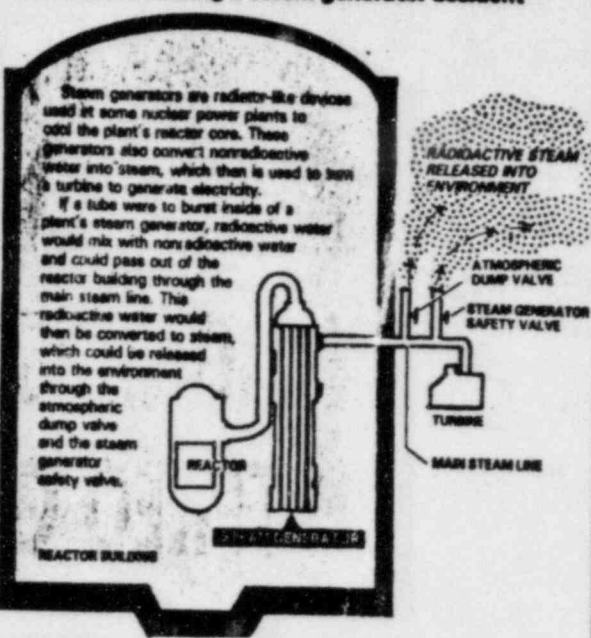
Bedell said that the corrosion has been halted and that all but a minute amount of the sulfur has been removed. He said that the company did not expect any additional corrosion problems, but he said that some small particles of metal could continue to fall out of corroded areas of the tubes.

Both Doroshow and Pollard said they believe that GPU Nuclear's discovery of additional defects in November indicates that the tubes are continuing to deteriorate. Pollard said he believed the degradation would continue because not all of the sulfur that is believed to have caused the corrosion in 1981 has been removed.

"They have not gotten all of the sulfur out, nor can they get it all out," he said.

The safety of the steam generators has been a key issue in the ongoing debate over whether Unit 1 should be allowed to be returned to service. To repair the 31,000 tubes in the generators, GPU Nuclear used a technique never before tried at an operating nuclear plant. The repair process — known as kinetic expansion — involved detonating small explosives

How radioactive steam could be released into the environment during a steam generator accident



Source: Nuclear Regulatory Commission and the Union of Concerned Scientists

The Philadelphia Inquirer

FRANK M. PORTARI

inside each tube to reinforce them by forcing them against a steel plate.

Opponents to the restart of the Unit 1 reactor have argued that there is no assurance that the repairs are adequate to guarantee the safe operation of the plant. An NRC licensing board conducted hearings on the repair process in July and in October

ruled that repairs made on these tubes "reasonably assure" there is no increased chance of an accident.

Bedell said that the company expected the repaired generators to last 35 years. If the generators have to be replaced, he said, the job would cost more than \$100 million and take three years to complete.



# The Philadelphia Inquirer

Vol. 312, No. 83

©1985, Philadelphia Newspapers Inc.

Sunday, March 24, 1985

ONE DOLL.

## TMI is seeking to start up Unit 1 with deteriorated tubes in place

By Jim Detjen  
and Susan Fitzgerald  
*Inquirer Staff Writers*

The operator of Three Mile Island has asked the U.S. Nuclear Regulatory Commission for permission to begin operating its Unit 1 reactor without repairing or removing from service about 225 deteriorated tubes in the reactor's cooling system, as required by plant regulations.

GPU Nuclear Corp. says the defects in the tubes, which are contained within the plant's steam-generating system, are so small that their condition would not affect the safe operation of the plant.

The NRC is reviewing the TMI request to see whether the tubes could lead to safety problems if they are not repaired or plugged to remove them from service. If a steam-generator tube bursts while a plant is operating, radioactive steam can be vented into the environment.

Harley Silver, a senior project manager for the NRC who is analyzing GPU Nuclear's proposal, said the company's request was unusual and could set a precedent for other nuclear plants. He said the NRC might

decide by the end of this week whether to approve the company's request.

The NRC has scheduled a meeting for April 19 to discuss the Unit 1 steam generators and other TMI issues, in preparation for a possible vote this spring on whether to allow the Unit 1 reactor to be returned to service.

Douglas Bedell, a GPU Nuclear spokesman, said it would cost between \$800,000 and \$1 million to plug the tubes in question, but he said the expense had nothing to do with the company's decision to seek the change in the plant regulations. He said repairing the tubes would expose workers to radiation and would needlessly remove from service tubes that could help cool down the reactor.

But TMI Alert and the Union of Concerned Scientists, two groups opposed to the restart of Unit 1, have expressed concern that the worn (See TMI on 19-A)

•  
Six years after the TMI accident, two major questions are being addressed. Review & Opinion, Page 3-G,



Philip Clark  
President of GPU Nuclear

# The Philadelphia Inquirer

Sunday, Nov. 25, 1984

## In federal probe of Three Mile Island, investigators have become a target

By Susan FitzGerald  
and Jim Detjen  
Inquirer Staff Writers

For nearly six years now, federal investigators probing the Three Mile Island accident have focused much of their attention on General Public Utilities Corp., the owner of the nuclear station.

But in recent days the attention has shifted from the corporation being investigated — to the investigators themselves.

In dramatic, written testimony submitted to a Nuclear Regulatory Commission licensing board last week, a former NRC investigator sharply attacked the integrity of an NRC investigation that had concluded that TMI managers did not cover up the severity of the March 1979 accident.

David Gamble, who was a member of the investigating team, said in the new testimony that the NRC's findings, released in 1981, "were not supported by the facts."

At the same time, federal sources say that a federal grand jury in Washington has begun hearing evidence on whether NRC employees might have thwarted investigation of the events surrounding the TMI accident.

Gamble refused to comment last week on whether the contents of his written testimony were related to the grand jury's inquiry.

In his testimony, prepared for an NRC Atomic Safety and Licensing Board hearing in Harrisburg, Gamble said:

- Portions of the NRC report on the possible withholding of information were written in draft form before any interviews were conducted and before investigators engaged in "any significant investigation of the facts."

- Norman Moseley, who helped coordinate the NRC investigation for the agency's Office of Inspection and Enforcement in 1980 and 1981, instructed the investigating team not to ask questions about whether TMI officials failed to report information to Pennsylvania authorities. Gamble also said that Moseley had given orders to investigators that interviews be limited to a pre-approved list of questions.

According to sources, a federal grand jury has begun hearing evidence on whether NRC employees might have thwarted investigation of the events surrounding the TMI accident.

- There was insufficient documentation to support an NRC finding that conflicts in testimony from plant personnel were "not the result of lying." Gamble said the NRC could just as reasonably have concluded that lying was the reason for the conflicts.

- The NRC staff discussed the need to portray favorably the conduct of the agency's on-site personnel during the accident so that the agency's commissioners would not ask questions about "possible fault of NRC employees."

NRC staff attorney Jack Goldberg said during the licensing board's hearing last week that Moseley, who is scheduled to appear as a witness, had said he was reconsidering whether to testify because of the federal grand jury's inquiry.

Moseley, who no longer works for the NRC, said in an interview last week that he had not been called to testify before the grand jury. Moseley declined to comment on Gamble's allegations.

Though the NRC has acknowledged that a grand jury is looking into "alleged wrongdoing of certain NRC employees relating to their actions within the regulatory process," spokesmen for the NRC and the Justice Department refused to comment last week on whether the grand jury was investigating matters related to those before the NRC hearing board.

Lisa Robinson, a spokeswoman for GPU Nuclear Corp., the GPU subsidiary that operates TMI, refused to comment on Gamble's allegations. Gamble, who now works as a criminal investigator for the Defense Department, is expected to testify in person before the NRC licensing board next week.

The licensing board's hearing is

part of an NRC review of whether the management of GPU Nuclear has the necessary competence and integrity to safely operate TMI's shutdown Unit 1 reactor. GPU has been seeking the NRC's approval for more than five years to restart Unit 1, which was shut down for refueling at the time of the accident.

The NRC is not expected to vote on the restart issue until the spring, at the earliest.

Central to the board's inquiry is the question of whether Chairman Dickamp, president of GPU, lied to Congress and the NRC about his knowledge of the TMI accident. In a May 9, 1979, Mailgram to U.S. Rep. Morris Udall (D., Ariz.), Dickamp denied a published report that said TMI personnel knew the reactor core was seriously damaged on March 28 — two days before that fact was re-

ported to the NRC. Dickamp said Udall there was "no evidence ... that anyone withheld any information."

In recent testimony to the licensing board, Dickamp said he did not know until March 30, 1979, that the reactor core had suffered significant damage. TMI Alert, a Harrisburg citizens' group that has been allowed to intervene in the hearings, is maintaining that Dickamp and plant personnel knew as early as the first day of the accident that it was much more severe than what TMI management was publicly reporting.

As part of the Unit 1 restart proceedings, the NRC has also scheduled hearings on whether training for TMI reactor operators is adequate and whether plant workers maintained key safety records at both Units 1 and 2 in the months leading up to the accident.

The TMI accident — considered the worst in the history of the nation's commercial nuclear power industry — occurred when a series of mechanical problems and human errors caused the Unit 2 reactor to overheat dangerously. Radioactive gas leaked from the plant into the air and the surrounding region.



# Pa. tries to halt TMI-restart vote

By Jim Detjen  
and Susan FitzGerald  
*Inquirer Staff Writers*

Attorneys for the Commonwealth of Pennsylvania yesterday asked a federal court to block the Nuclear Regulatory Commission from making a decision on restarting the Three Mile Island Unit 1 reactor until more public hearings are held.

Acting under the direction of Gov. Thornburgh, state attorneys petitioned the Third U.S. Circuit Court of Appeals in Philadelphia to overturn a Feb. 25 NRC order concluding that no further TMI hearings were warranted.

The court action was the latest in a

continuing effort by Thornburgh to ensure that Unit 1 remains shut down until all questions about the competence and integrity of the plant's operator, GPU Nuclear Corp., have been resolved.

"There should be no choice at all between resolving safety questions before cranking up a nuclear reactor, or simply putting off those questions and crossing our fingers," Thornburgh said yesterday.

"The commission has a solemn responsibility to openly address and resolve, prior to any restart vote, all issues relating to the health and safety of those who live in the shadow of Three Mile Island, and all is-

ssues relating to the integrity of their environment," he said.

Nunzio Palladino, the NRC chairman, said last week that he expected the commission to vote on the restart of Unit 1 in May. Most agency observers predict that when a vote is taken, the NRC will allow the TMI reactor to begin operating again.

Unit 1 was shut at the time of the March 28, 1979, accident at its sister Unit 2 reactor and has remained shut under an NRC order. TMI is located about 10 miles southeast of Harrisburg.

Two citizens' groups opposed to the

restart of TMI Unit 1 said yesterday that they, too, would ask the court to overturn the NRC's decision to hold no more hearings. Attorneys for the Union of Concerned Scientists and TMI Alert said they would file those petitions today in the Third Circuit Court of Appeals.

Frank Ingram, an NRC spokesman, said commission attorneys had not seen the state's petition and would have no comment.

Doug Bedell, a GPU Nuclear spokesman, said he was not aware of the state's action and had no comment. GPU Nuclear, a subsidiary of General Public Utilities Corp., has been seeking permission from the NRC to restart Unit 1 for the past five years.

In a 3-2 vote on Feb. 13, the NRC ruled that no additional hearings were necessary before it decided whether to start up Unit 1. Palladino, who voted with the majority, said at the time, "Well, let's get on with the show."

The NRC affirmed that vote in a Feb. 25 order.

In the petition filed with the court yesterday, attorneys for the state said the NRC's decision "is arbitrary, capricious, not based on substantial evidence and not in accordance with law."

"The commission has not provided the Commonwealth and its citizens with adequate assurances that TMI-1 can be operated safely, and these assurances cannot possibly be provided if the commission prevents completion of full hearings on management integrity before issuing a

decision on restart," the court petition said.

Commonwealth attorneys filed a motion on March 13 with the NRC asking for the agency to reverse its February order, but Roland Page, a spokesman for the governor, said the NRC had not responded to the motion.

Attorneys for the state listed in the motion a number of unresolved issues that they said must be completed before the NRC votes to start up the reactor. A key question is whether TMI employees were involved in the falsification of vital safety records at both Units 1 and 2 during the months leading up to the accident.

The NRC has never held hearings on the alleged falsification of records, despite the fact that Metropolitan Edison Co., the GPU subsidiary that used to operate TMI, pleaded guilty or no contest in February 1983 to seven of 11 counts of a federal criminal indictment that accused the company of falsifying records at Unit 2.

Last May, a federal appeals board called for the NRC to hold additional hearings on whether safety records were falsified at Unit 1, among other issues. But under the Feb. 25 order, the NRC decided that such hearings were not necessary to determine if the Unit 1 plant could be operated safely.

Page said state attorneys also want additional hearings to determine whether GPU managers improperly altered and toned down an internal company investigative report of the

1979 accident before submitting it to the NRC.

Early drafts of the internal report indicated that technical specifications of the plant's operating license had been violated, although GPU later told the NRC that it had not violated its license.

Joanne Doroshow, an attorney for TMI Alert, a Harrisburg group, said the petition her organization plans to file today is broader than the one filed by Thornburgh's office.

She said the NRC has not adequately addressed whether GPU Nuclear managers harassed three TMI engineers who raised questions about the safety of the \$1 billion cleanup of Unit 2 in 1983; whether the cleanup has been conducted safely, and whether the training program for Unit 1 control room operators is adequate.

Ellyn Weiss, an attorney with the Union of Concerned Scientists, a Washington group, said the petition filed by her organization would also raise a greater number of objections.

TMI Alert and the Union of Concerned Scientists last week asked the NRC to conduct another safety review of the Unit 1 plant to see if its equipment could be operated safely.

The groups contend that the plant's steam generators, which are part of the reactor's cooling system, are so deteriorated that a serious accident could occur if the plant is restarted.

GPU Nuclear has repeatedly told the NRC that the Unit 1 plant is in good shape and is ready to begin producing power again.



Gov. Thornburgh  
Ordered filing of petition

May 8, 1985 -- Appeal Board denies TMIA's motion to reopen the record on steam generator issues.

May 8, 1985 -- Commission schedules restart vote for May 29, 1985. Commission also schedules oral argument for May 22. The Governor of Pennsylvania and other officials are expected to address the Commission.

May 20, 1985 -- State and local officials, and TMIA expected to file additional court petitions to try to block restart vote.

January 16, 1985 -- NRC Commissioners hold public meeting to discuss whether further hearings will be held in TMI restart case. Meeting is attended by over 50 people from the Harrisburg area. Commissioners adjourn meeting without making a decision.

January 31, 1985 -- GPU submits the first of two requests to the NRC to allow a relaxation in steam generator tube plugging requirements, in order to avoid having to plug and remove from service a large number of defective steam generator tube. The company does not notify the Commission, the Appeal Board or the parties of this request.

February 13, 1985 -- By a 3 to 2 vote, the Commission decides at a public meeting that no further hearings are necessary in the TMI-1 restart proceeding. The Commission reverses the Appeal Board which had ordered additional hearings on leak rate issues, and denies requested hearings on numerous other management integrity issues. TMI residents demonstrate and force the Commissioners to recess the meeting.

February 25, 1985 -- NRC issues official order denying any further hearings in TMI restart proceeding. Both the Commonwealth of Pennsylvania and TMIA ask the Commission to reconsider its ruling.

March 12, 1985 -- Former TMI Supervisor of Operations James Floyd, convicted of cheating on NRC licensing exams, is fined \$2,000, sentenced to two years probation and ordered to provide 400 hours of community service to victims of the TMI accident.

March 15, 1985 -- NRC Staff notifies the Commission, the Boards and the parties of GPU's January 31, and later March 1 request to relax the steam generator plugging requirements. TMIA calls for an NRC investigation into whether GPU committed a material false statement by not notifying the Commission, the Boards or the parties of this request.

April 3, 1985 -- Oral argument scheduled before the NRC's Appeal Board on the TMI-1 steam generator damage and repairs.

April 5, 1985 -- UCS urges Commission to defer operation of Unit 1 due to risks posed by steam generators.

April 25-26, 1985 -- The Commonwealth of Pennsylvania, TMIA, UCS and the Aamodts file petitions in the U.S. Court of Appeals in Philadelphia asking for court review of the NRC's February decision stopping all further hearings on management integrity.

May 3, 1985 -- Licensing Board issues its decision on training issues, finding in favor of Licensee on all issues except one, for which it leaves the record open.

December 6 and 7, 1984 -- Former NRC investigator David Gamble testifies in reopened ASLB hearings that the NRC's investigation of whether company officials withheld information during the accident was deliberately incomplete and inaccurate, and its conclusion exonerating the company of wrongdoing was not supported by the facts.

December 10, 1984 -- TMIA asks for an investigation into NRC harassment of witness David Gamble, and possible improper ex parte contacts between the Office of General Counsel and the NRC Staff. TMIA is later informed that the Justice Department requested deferral of any agency investigation of these issues until further notice.

December 10, 1984 -- TMIA files a motion to reopen the steam generator tube hearing record on the basis of new information, including recently discovered, dangerous cracks in unrepaired areas of the tubes.

December 13, 1984 -- NRC Commissioners, by a vote of 2 to 1, deny the Aamodts' motion concerning radioactive releases during the Unit 2 accident.

December 14, 1984 -- Hearings end on the the "Dieckamp Mailgram" issue. A decision is not expected until Spring, 1985.

December 19, 1984 -- ASLB hearings begin on the second remanded issue, licensee's current training program in light of 1981 cheating scandals.

December 20, 1984 -- Commission denies USC request to delay restart until modifications are made to insure the accuracy of emergency feedwater flow indications.

January 2, 1985 -- ASLB Chairman Ivan W. Smith sends a letter to federal district court asking for leniency in the sentencing of recently convicted former TMI supervisor James Floyd. The letter prompts sharp attacks by local citizens and elected officials concerning Smith's objectivity as an NRC judge.

January 11, 1985 -- The Commonwealth of Pennsylvania calls for the immediate removal of ASLB Chairman Ivan W. Smith, for showing pervasive bias in favor GPU in the restart proceedings. Similar motions follow from TMIA and UCS, and the NRC Staff later supports these motions.

January 15, 1985 -- NRC Staff denies petition filed August 13, 1984, asking that GPUN's license be revoked on the basis of deficient character. NRC Commissioners extend time in which to take review of Staff's decision, to March 29, 1985.



July 16 - 18, 1984 -- Atomic Safety and Licensing Board holds hearings on TMI-1 steam generator repairs. TMIA is the only intervening group. The Board refuses to allow in evidence relating to recently discovered steam generator tube problems.

July 26, 1984 -- NRC Staff again shifts position and endorses GPUN management, but concludes that as of 1981, "the licensee had not met the standard of reasonable assurance of no undue risk to public health and safety."

August 13, 1984 -- Four Pennsylvania elected officials, four New Jersey organizations, and TMIA file 400 page petition, as supplemented, with the NRC requesting that GPUN's license to operate any and all nuclear reactors be revoked on the basis that the company lacks the requisite character to safely operate a nuclear power plant.

August 15, 1984 -- Pennsylvania Governor Thornburgh addresses the NRC Commissioners at a public meeting urging them not to vote on TMI-1 restart until hearings are held on certain "management integrity" issues, and until money is obtained to clean up Unit 2.

September 11, 1984 -- NRC Commissioners vote to allow hearings to go forward as ordered by the Appeal Board, but also decide to consider whether the Appeal Board decision should be reversed and the hearings stopped, or whether restart can proceed before hearings are held. Final decision is expected in early 1985.

September 25, 1984 -- NRC Staff denies UCS petition to require repairs to a key safety system, the emergency feedwater system, before Unit 1 is allowed to operate.

October 31, 1984 -- Atomic Safety and Licensing Board issues decision approving Unit 1 steam generator tube repairs.

November 8, 1984 -- NRC notifies Congress that the U.S. Department of Justice has begun a federal grand jury investigation of the NRC Staff. Inside sources confirm that the investigation is focusing on at least the NRC's handling of GPU's reporting failures during the accident, and leak rate falsification.

November 14, 1984 -- ASLB hearings recommence on the first of four remanded hearing issues: whether GPU President Herman Dieckamp made false statements to Congressman Morris K. Udall, and to the Commission, in connection with the TMI-2 accident.

November 16, 1984 -- Former TMI supervisor James Floyd is convicted in federal court of cheating on NRC operator exams in 1979.



February 29, 1984 -- U.S. District Court Judge accepts plea bargain agreement between U.S. Justice Department and Met Ed settling Unit 2 leak rate falsification case. Met Ed pleads guilty to one count, and no contest to six counts of 11 count indictment.

May 22, 1984 -- NRC's Office of Investigation announces referral to U.S. Justice Department of OI's recent investigation of whether GPU/Met Ed deliberately misrepresented to the NRC facts which it knew to be true concerning its own responsibility for the accident, and whether a management decision was made to intentionally misrepresent those facts in the company's own accident investigation.

May 24, 1984 -- The Atomic Safety and Licensing Appeal Board orders new hearings on management competence and integrity, agreeing with the intervenors that the Licensing Board decision can not support a finding that management has the competence or integrity to safely operate TMI.

June 1, 1984 -- NRC Commissioners, by a vote of 3 to 1, vote to consider whether restart can be considered before the hearings ordered by the Appeal Board are held.

June 4, 1984 -- In response to a Freedom of Information Act request by The Philadelphia Inquirer, the NRC releases transcripts of closed NRC Commission meetings dating from 1981 through 1983, which reveal a commitment on the part of a Commission majority to restart TMI-1 as soon legally and politically possible. Also evident is significant disdain for public views on the restart issue, and a serious lack of understanding of the legal and technical issues.

June 15, 1984 -- Former TMI-2 Supervisor of Operations, Jim Floyd, is indicted by a federal grand jury for cheating on 1979 licensing exams, and for causing two material false statements to be submitted to the NRC in connection with his license certification.

June 19, 1984 -- Appeal Board refuses to reopen the restart record on the basis of new OI investigations of pre-accident training deficiencies, and of whether the BETA and RHR reports were withheld for improper motives.

June 21, 1984 -- Intervenors Marjorie and Norman Aamodt file motion to reopen the record and delay restart because of new information concerning increased instances of cancer found in the vicinity of TMI. The NRC has refused to acknowledge that the level of releases during the accident could cause such injuries.

June 25, 1984 -- NRC Staff notifies Commission that a critical FEMA evaluation precludes the Staff from certifying completion of all required emergency planning license conditions.

area Congressmen, state, and local officials, strongly criticize the restart proposal on the basis that the integrity issues are still unresolved.

December 7, 1983 -- NRC Commissioners are advised at a public meeting by the NRC's Office of General Counsel that the TMI-1 steam generator repairs present a "significant hazard consideration," and a Commission vote which finds "no significant hazard consideration" would violate the Atomic Energy Act.

December 16, 1983 -- Senator Specter holds hearings in Harrisburg on the NRC's handling of the TMI restart case.

January 10, 1984 -- NRC Commissioners split 2 to 2 on whether the steam generator tube repairs present a "significant hazard consideration." Commissioner Bernthal refuses to vote, claiming such a decision is unnecessary until the Commission decides how to handle other restart issues.

January 11, 1984 -- TMIA, the Aamodts, UCS, GPU, and the NRC Staff present arguments to the Atomic Safety and Licensing Appeal Board on management competence and integrity issues. TMIA argues that a decision on these issues is not possible until all new, unresolved integrity issues are resolved fully in hearings.

January 20, 1984 -- At the insistence of Commissioner Asselstine, NRC releases a list of 63 potentially open integrity issues for public comment, due February 9.

January 25, 1984 -- Commissioners decide in a closed meeting, by a vote of 3 to 2, to hold a public meeting on January 27 to vote on a tentative decision to separate the integrity issues from an overall restart decision, making possible a final restart decision in June, before the integrity issues are resolved. No public announcement of the January 27 meeting is made, and word does not get out until the next day.

January 27, 1984 -- Commissioners vote 3 to 2 to separate the integrity issues from an overall restart decision, and to make a final restart decision in June before the integrity issues are resolved. Commissioners Gilinsky and Asselstine strongly dissent. Two area Congressmen, a Dauphin County Commissioner, the parties to the restart proceeding, and members of the public, are all denied any opportunity to comment at the Commission meeting. Many public officials, including Governor Thornburgh, Senators Specter and Heinz, area Congressmen, state, and local officials, as well as members of the public, express outrage at the Commission's decision.

September, 1983 -- Staff issues NUREG-1020, its expanded review of the GPU-B&W record. Seven management integrity issues raised in the record, are considered to impact on restart, and are referred to the NRC's Office of Investigation.

September 22, 1983 -- Dauphin County Commissioners pass a resolution to establish radioactive air emission standards from TMI, and set up a task force to write the actual ordinance, marking the first time a county takes legally binding action to control the hazards caused by operation of a nuclear power plant.

October 7, 1983 -- NRC Commissioners issue Order predicting that if all management integrity issues must be resolved before restart, a vote would not be possible until mid-1984 at the earliest, and maybe not until mid-1985. Commission announces it will consider "alternative approaches" and puts a temporary halt to the reopened "Hartman" proceedings.

October 17, 1983 -- Prehearing conference on steam generator tube repairs. TMIA and the Aamodts participate as intervenors. Commission has not yet made its final "no significant hazard" determination i.e. a determination as to whether license amendment will become effective before hearing has been completed. Contentions are accepted and discovery soon begins, scheduled for completion January 31, 1984.

November 7, 1983 -- Department of Justice indicts Met-Ed for falsifying leak rate data and destroying documents before the accident, in violation of their license, NRC regulations, and the federal criminal code.

November 8, 1983 -- Commissioners meet in closed session and decide to hear orally from GPU on its June 10 reorganization proposal, previously rejected for consideration by the Commissions. A November 28 date is set for GPU presentation. Opportunity for oral comment from the intervenors specifically disallowed, but Commissioners later decide to hear from the intervenors on this proposal at a December 5 Commission meeting.

November 28, 1983 -- GPU announces the resignation of GPU Nuclear President Robert C. Arnold, implicated in a number of management integrity issues.

December 5, 1983 -- NRC Staff recommends TMI-1 restart at 25% power, despite the Staff's inability to vouch for the integrity of GPU management. Pennsylvania public officials, including Governor Thornburgh, Senators Specter and Heinz,



safe operation of the plant. Thornburgh drops Commonwealth's appeal on "cheating" issues. Many fear this points the way to a restart decision before Commissioner Ahearne leaves the end of June.

June 15, 1983 -- NRC Chairman Palladino tells the press a restart decision before the end of June, is "doubtful."

June 22, 1983 -- Commissioner Gilinsky issues a draft "restart decision," in which he finds GPU lacks competence and integrity to operate TMI-1. He insists that at least GPU Nuclear President Arnold, GPU President Deickamp, and GPU Chairman of the Board Kuhns be removed.

June 28, 1983 -- Commissioners issue memo, stating they are "unable to decide the management issues at this time," and that a decision will "await the completion" of ongoing NRC investigations into management integrity issues. The Commission rejects a Staff proposal to separate individuals from the organizational structure for purposes of deciding the management issues.

July 14, 1983 -- In a letter to Chairman Morris K. Udall, House Committee on Interior and Insular Affairs, NRC Chairman Palladino states, "[t]he Commission does not intend to make a decision on TMI-1 management competency until the relevant portions of [the NRC's Office of Investigation's investigation into the allegations of leak rate falsification] are complete."

July 15, 1983 -- In memo to the Commissioners, Dircks states that "in light of the controversial nature of the subject of management integrity and the lack of any precise standards for judging the integrity of individuals and corporate institutions ... an evidentiary hearing on management competence and integrity [is] ... inevitable." Dirks refers to all five "open" issues which caused the Staff on May 19 to withdraw its support of management.

July 22, 1983 -- GPU is fined \$140,000 for submitting a material false statement to the NRC in connection with the license certification of the then TMI-2 Supervisor of Operations who had cheated on his license requalification exam in 1979.

August 31, 1983 -- NRC's Atomic Safety and Licensing Board Appeal Board reopens restart record to examine the Hartman allegations. ASLAB states that reopening consideration of the other four management integrity issues referred to in the May 19 memo is premature, but would be considered at a later time.

May 17, 1983 -- Richard Parks wins his Department of Labor complaint and is ordered reinstated. Bechtel appeals, and Parks later accepts position with Bechtel in California.

May 18, 1983 -- Region I's completed inspection report on the Hartman allegations is issued internally to NRC. Twelve citizens from Harrisburg area block entrance to TMI and are arrested.

May 19, 1983 -- William J. Dircks, NRC Executive Director for Operations, issues memorandum announcing a withdrawal of the Staff's previous support for GPU management, based on the following five "open" issues: 1. the veracity of the Hartman allegations; 2. statements in the B&W trial record; 3. the Parks/King allegations; 4. the substance of the BETA and RHR reports; 5. whether GPU failed to promptly notify the NRC of the BETA and RHR reports.

May 24, 1983 -- Tim Martin, who headed NRC's 1980 investigation into the Hartman allegations, tells Commissioners at a public meeting that he knew in 1980 that the leak rates were falsified, i.e. that Hartman's allegations were substantiated.

May 31, 1983 -- NRC proposes that TMI-1 steam generator repairs present "no significant safety hazard consideration" and therefore, no prior hearing is needed before issuance of a license amendment permitting operation with the "as-repaired" steam generators. NRC asks for public comment.

June 2, 1983 -- Governor Thornburgh urges the Commissioners not to make a restart decision until the state's appeal and all safety issues, especially management integrity, are resolved.

June 7, 1983 -- Dircks writes memo to Commissioners suggesting separation of the "management integrity" issues from Commissioners's consideration of restart, provided that "certain individuals" are temporarily removed.

June 9, 1983 -- Chairman Richard Ottinger of the House Subcommittee on Energy Conservation and Power, Energy and Commerce Committee, tells Commissioners at a public hearing that a "no significant safety hazard consideration" finding by NRC on TMI-1 steam generator tube repairs violates the law.

June 10, 1983 -- In a letter to Thornburgh and the NRC Commissioners, GPU proposes some reorganization of its personnel, and promises not to let those who have cheated on exams operate TMI-1. Governor states that GPU's offer is a "good start" toward satisfying his concerns about the



March 22, 1983 -- TMI-2 Senior Start-up Engineer Richard Parks publicly charges GPU and Bechtel Corporation, joint-managers of the TMI-2 cleanup, with deliberately circumventing safety procedures, and harassing him and others for reporting safety violations. Parks files U.S. Department of Labor complaint.

March 27, 1983 -- Larry King, former site operations manager at TMI-2 and Park's former boss, publicly supports Park's charges, claiming he was improperly dismissed for insisting that safety procedures be followed.

March 28, 1983 -- Victor Stello's report reviewing the GPU-B&W trial record is issued. Report concludes "the trial court record does not contain significant information that would affect the Commission's decision regarding restart."

April 2, 1983 -- TMI-2 plant engineering director Edwin Gishcel signs affidavit charging GPU and Bechtel with harrassment, intimidation, and circumventing cleanup safety procedures.

April 6, 1983 -- Stello presents GPU-B&W trial record report to NRC Commissioners, four of whom publicly criticize report, noting it had few actual references to the trial and reached conclusions based more on previous accident investigations than on actual trial testimony. (The NRC Commissioners later ask the Staff to expand its review, and the Office of Nuclear Reactor Regulation takes over review, appointing a 25-member task force to complete review. See, September, 1983).

April 18, 1983 -- NRC staff begins backing away from its endorsement of GPU management, indicating its previously held support for GPU's management was in need of "revalidation."

April 19, 1983 -- U.S. Supreme Court reverses D.C. Circuit opinion on psychological stress, ruling that an environmental assessment need not be done.

April 26, 1983 -- NRC staff explains that the basis for the need to "revalidate" GPU management was the "open issue of the Hartman allegations concerning the falsification of leak rate data," which could "possibly affect the staff's position on management integrity." Staff outlines the inspection and review effort initiated by the NRC's Office of Reactor Regulation and the Region I office.

May 5, 1983 -- GPU reveals for the first time to NRC the BETA and RHR management audits which had been completed in February and March, 1983, and are critical of plant operations and management.

April 28, 1982 -- Special Master Milhollin's report issued, concluding that a number of TMI management personnel engaged in cheating and wrongdoing; the overall integrity of the operations staff is inadequate; the company's response to certain cheating incidents was inadequate; the company submitted a "material false statement" to the NRC in connection with the license certification of the then-TMI-2 Supervisor of Operations who had cheated on this license requalification exam in 1979; many company witnesses gave noncredible testimony under oath; and the company's training and testing program was "poorly administered, weak in content, ineffective in its method of instruction, and not an adequate response to the Commission's Order of August 9, 1979."

May 18, 1983 -- Voters in Pennsylvania counties of Dauphin, Cumberland, and Lebanon express 2 to 1 opposition to TMI-1 restart, in a non-binding referendum.

July 27, 1982 -- Third PID, reviewing Milhollin's report, issued. Many of Milhollin's findings are reversed. PID supports restart. TMIA, the Aamodts, and the Commonwealth appeal decision.

November 1, 1982 -- Trial begins in lawsuit filed by GPU against Babcock & Wilcox (B&W) for causing the TMI-2 accident

November 9, 1982 -- NRC Commissioners hold public meeting before 1,200 Harrisburg area residents, having announced that a restart decision would be made by December 10, 1982, i.e., the Commission would decide whether the PIDs, all of which support restart, would be made "immediately effective" even though the parties were appealing the PIDs.

December 10, 1982 -- Day passes with no decision from NRC Commissioners.

December 29, 1982 -- NRC Commission asks NRC Staff to review the record of continuing B&W-GPU lawsuit. Victor Stello, former head of NRC's Office of Inspection and Enforcement, is assigned the task. Stello's credibility had previously been challenged by at least one Congressional committee on the basis that his TMI accident investigation reports contained unsupported conclusions favorable to GPU, in conflict with known evidence.

January 24, 1983 -- Out-of-court settlement agreed to by GPU and B&W. Trial ends.

February, 1983 -- Majority of Commissioners vote down Commissioner Gilinsky's request that the NRC's Office of General Counsel review the GPU-B&W trial record.

July 9, 1981 -- Main restart hearings end.

August 20, 1981 -- NRC reverses its longstanding promise to area residents not to allow restart until all internal NRC appeals are complete. (See, August 9, 1979).

August 27, 1981 -- ASLB issues first Partial Initial Decision (PID), dealing with management issues. PID supports lifting license suspension, i.e., restart. ASLB relies in part on information contained in NUREG 0680 regarding Hartman allegations. (See, March, 1981). TMIA and the Aamodts appeal decision.

October 2, 1981 -- ASLB reopens restart hearings to inquire into allegations of cheating on operator license exams; ASLB defines the broad issue as "the effect of the information on cheating in the NRC April examination ... recognizing that, depending on the facts, the possible nexus of the cheating incident in the NRC examination goes beyond the cheating by two particular individuals and may involve the issues of Licensee's management integrity ..."

November 10, 1981 -- Reopened "cheating" hearings begin, presided over by Special Master Gary Milhollin. TMIA and the Aamodts participate as intervenors. The Commonwealth also participates.

November, 1981 -- Justice Department tells NRC that it may resume its investigation into the Hartman allegations. NRC does nothing, and later claims it never got this message from Justice.

November 1981 to January 1982 -- GPU discovers 29,000 defective steam generator tubes at TMI-1 caused by mistaken introduction of sulfur into the reactor coolant system.

December 10, 1981 -- Reopened "cheating" hearings conclude.

December 14, 1981 -- Second PID issued, dealing with design/hardware issues, and emergency planning issues. PID supports restart. UCS and the Aamodts appeal decision.

January 7, 1982 -- D.C. Circuit rules that issues of psychological stress need not be considered in the restart hearing, but must be considered by NRC under National Environmental Policy Act. Court orders injunction on restart and orders an environmental study on psychological stress be conducted. NRC appeals to U.S. Supreme Court.

February 1, 1982 -- Harold Denton, director of Nuclear Reactor Regulation, calls TMI-1 steam generator damage the worst case in the entire country.

December 5, 1979 -- Met-Ed responds to NRC Notice of Violation, denying all charges, but pays the fine.

March 6, 1980 -- NRC Commissioners direct that 13 specific "management" issues be examined by ASLB.

March, 1980 -- Hartman appears on New York television and publicizes his allegations of falsification of leak rate data. NRC investigators begin investigation into Hartman allegations.

April, 1980 -- NRC investigators conclude that Hartman's allegations were substantiated, and refer case to Justice Department which then begins a Grand Jury investigation. NRC halts its own investigation. While then head of NRC Office of Investigation and Enforcement, Victor Stello, now claims he told the NRC Commissioners of the Staff's conclusions, there is no direct evidence of this and Commissioner Gilinsky and then Commissioner Bradford both later announce they were not then told of the Staff's conclusions.

September 17, 1980 -- Faegre & Benson, GPU consultants, issue report to GPU substantially confirming Hartman's leak rate falsification allegations. GPU withholds this document from the NRC and the public until May, 1983.

October 15, 1980 -- NRC restart proceedings begin. Major issues concern design/hardware issues, litigated by the Union of Concerned Scientists; emergency planning, litigated by ANGRY, Newberry Township Steering Committee, and Norman and Marjorie Aamodt; financial capability, litigated by Three Mile Island Alert; and management, litigated by Three Mile Island Alert and Marjorie and Norman Aamodt. Issues concerning "psychological stress" are not admitted, and PANE appeals to D.C. Circuit. The Commonwealth of Pennsylvania participates also in the proceedings.

March, 1981 -- NRC Commissioners dismiss financial qualification issue without case ever having been litigated. TMIA appeals decision to D.C. Circuit Court, but court decides appeal is premature. TMIA must wait until restart decision made to challenge the action.

March, 1981 -- NRC Staff tells the ASLB, in NUREG-0680, Supplement 2, that "the Staff has reviewed the information that it had obtained to date on the [Hartman] matter, and has concluded on the basis of information thus far obtained that there appears to be no direct connection with the Unit 2 accident." NRC Staff fails to notify the ASLB that it concluded in 1980 the leak rates were falsified. Nor does the Staff provide the Commissioners with this information. (See, April, 1980)



# **TMIA: THREE MILE ISLAND ALERT, INC.**

315 Puffer St., Harrisburg, Penna. 17102 (717) 233-7897

## TMI Restart Chronology

March 28, 1979 -- TMI-2 accident

May 22, 1979 -- Former control room operator Harold W. Hartman, Jr. tells NRC investigators that for months before the accident, operators, with the knowledge of at least low level management, systematically falsified primary coolant system leak rates in violation of the operating license in order to keep the plant running. NRC investigators do not investigate Hartman's allegations and do not tell the NRC Commissioners.

June 22, 1979 -- Governor Thornburgh writes to NRC, expressing his "deeply felt responsibility for both the physical and psychological security of the citizens of Pennsylvania" and advising the NRC of his "strong opposition to any plans to reactivate [TMI] Unit 1 until a number of very serious issues have been resolved."

July 2, 1979 -- NRC directs that the plant remain shut down until a hearing is held on whether there is reasonable assurance the plant can be operated safely.

August 9, 1979 -- NRC sets up Atomic Safety and Licensing Board (ASLB) to hold hearings to determine whether there is reasonable assurance TMI-1 can be operated without endangering the health and safety of the public. Issues include whether the GPU has the requisite managerial, financial, and technical capabilities. The NRC Commissioners commit themselves to directly review any appeal of the ASLB's restart decision, thus bypassing the normal, time-consuming route whereby appeals first go to an NRC Appeal Board. This means restart could not occur until the Commissioners have reviewed the merits of the intervenors' appeals. (Commissioners later reverse themselves one week before the first ASLB decision is handed down. See, August 20, 1983).

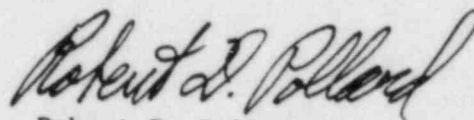
October 26, 1979 -- NRC Notice of Violation for the accident issued, fixing Nat-Ed the maximum amount permitted under NRC regulations.

October 29, 1979 -- Harold Ornstein, investigator for the NRC's Special Inquiry Group (Rogovin Commission) investigating the TMI-2 accident, questions Harold Hartman under oath, at which time Hartman restates his allegations. Special Inquiry Group refuses to include these allegations in its report.

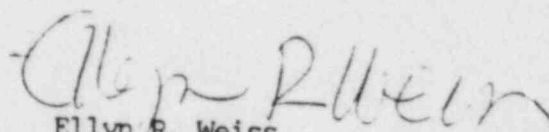
principal concern: Is there reasonable assurance that the health and safety of the public will be protected in the event of a design basis steam generator tube rupture accident?

In the face of these questions, we urge the Commissioners to defer operation of TMI-1 unless and until it has been demonstrated that such operation will not pose undue risks to the health and safety of the public.

Sincerely,



Robert D. Pollard  
Nuclear Safety Engineer



Ellyn R. Weiss  
General Counsel

Enclosure:  
Safety Hazards of Degraded  
Steam Generators at TMI-1

cc w/encl:  
TMI Service List

# UNION OF CONCERNED SCIENTISTS

1346 Connecticut Avenue, N.W. • S. 1101 • Washington, DC 20036 • (202) 296-5600

April 5, 1985

Nunzio J. Palladino, Chairman  
Thomas M. Roberts, Commissioner  
James K. Asselstine, Commissioner  
Frederick M. Bernthal, Commissioner  
Lando W. Zech, Commissioner  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Gentlemen:

The Union of Concerned Scientists believes that operation of Three Mile Island Unit 1 (TMI-1) with its degraded steam generators could pose serious risks that have not been evaluated or brought to the Commission's attention. These risks are unique to TMI-1 and arise from the inability of the steam generators in their degraded condition to withstand the forces that may occur following a steam generator tube rupture accident.

We previously discussed this subject in our August 24, 1984 filing with the Commission. [Union of Concerned Scientists' Objection to Waiver of Subcooling Criteria and Comments on NRC Staff's Safety Evaluation of Subcooling Criteria for Actuating or Throttling High Pressure Safety Injection (SECY-84-237), August 24, 1984, pp. 10 - 13] GPU Nuclear's currently pending request to relax the criteria applicable to plugging of degraded steam generator tubes and the scheduled April 19th Commission briefing on the TMI-1 steam generators prompt UCS to provide a more detailed explanation of our safety concerns.

Having decided to seek permission to operate TMI-1 without replacing the steam generators, GPU Nuclear is attempting to prevent catastrophic rupture of the steam generators by adopting emergency procedures that violate a number of safety limits applicable to every other similar plant. The TMI-1 emergency procedures for accidents involving leakage or rupture of one or more tubes in either or both steam generators are untried, remarkably complex and confusing, rely fundamentally on improvisation, and would result in unavoidable radiation exposure to the public. Moreover, there has been no demonstration that, even if these procedures are correctly interpreted and followed, the fuel damage limits specified in the ECCS criteria and the radiation exposure limits for the public would be met for a design basis steam generator tube rupture accident.

Attached is a more detailed explanation of the unique risks arising from the degraded steam generators at TMI-1. There are numerous specific safety questions that remain unanswered. These specific questions are related to one

THE CHRISTIC INSTITUTE  
1324 North Capitol St.  
Washington, D.C. 20002  
(202) 797-8106

The Christic Institute is a Washington-based law and public policy center which has been involved in various TMI litigation on behalf of area residents since the accident. In 1980, the Institute represented citizens in their successful challenge to the NRC's decision to authorize the venting of radioactive gases from the Unit 2 reactor. In 1982, the people of Three Mile Island, represented by Christic attorneys, filed a class action suit for damages against the NRC. In late 1984, a federal court ruled that NRC Commissioners were immune from such suits, and refused to allow residents to collect damages for violations of their constitutional rights.

Former Harrisburg area resident Joanne Doroshow, now a Christic Institute attorney, has been involved in the TMI-1 restart proceeding since 1981.

-----

THE GOVERNMENT ACCOUNTABILITY PROJECT  
1555 Connecticut Ave. N.W.  
Suite 202  
Washington, D.C. 20036  
(202) 233-8550

The Government Accountability Project (GAP) is a Washington based law firm which offers legal, community organizing, investigative and political counsel and skills to whistleblowers and private citizens; and works to expose government and corporate actions that are repressive, wasteful or illegal, or that pose a health and safety threat.

GAP represented TMI whistleblowers who reported safety violations during clean up operations in 1982 and 1983. Since 1984, GAP General Counsel Lynne Bernabei has assisted in representing TMIA in the NRC's TMI-1 restart proceeding.

-----

THE UNION OF CONCERNED SCIENTISTS  
1346 Connecticut Ave. Suite 1011  
Washington, D.C. 20036  
(202) 296-5600

The Union of Concerned Scientists (UCS), is a non-profit organization supported by concerned citizens as well as professionals with formal science training. UCS has been involved in issues related to nuclear power plant safety since 1971. USC has been an intervenor in the TMI-1 restart proceeding primarily on issues related to plant design and hardware. UCS has recently become involved in issues related to TMI management.



## KEY ORGANIZATIONS

### THREE MILE ISLAND ALERT

315 Peffer St.  
Harrisburg, PA 17102  
(717) 233-7897

Three Mile Island Alert (TMIA) is a Harrisburg-based citizen group which was formed before the TMI-2 accident primarily to provide educational services to the community about the hazards of the TMI reactors. After the accident, TMIA became a lead intervenor on "management" issues in the NRC's Unit 1 restart proceedings. TMIA members Louise Bradford and Joanne Doroshow began representing the organization in the NRC's restart proceeding in 1981.

Together with the Christic Institute and Government Accountability Project attorney Lynne Bernabei, (see below) TMIA has been instrumental in exposing widespread wrongdoing by GPU management and operators, and in uncovering a vast amount shocking new information about the company's misconduct both before and after the accident. TMIA has also pursued issues related to the safety of TMI-1's steam generators, extensively damaged while the plant was idle in 1981.

Through constant perseverance in the NRC's TMI-1 licensing process, TMIA and its Washington representatives have been able to keep this evidence in the public eye through public education and political work.

---

### THE TMI PUBLIC INTEREST RESOURCE CENTER

1037 Maclay St.  
Harrisburg, PA 17103

The TMI Public Interest Resource Center (PIRC) was formed in 1980 to gather, disseminate and analyze information about TMI and to provide a network system for the six existing community group. It is a coalition of the following community groups: TMIA (above); Susquehanna Valley Alliance (SVA) based in Lancaster; People Against Nuclear Energy (PANE) based in Middletown; York Environmental Alliance (YEA) based in York; Environmental Coalition on Nuclear Power (ECNP) based in State College; and the Newberry Township Steering Committee.

---

### THE TMI-PIRC HEALTH ISSUES COMMITTEE

c/o Three Mile Island Alert  
315 Peffer St.  
Harrisburg, PA 17102  
(717) 233-7897

The Health Issues Committee was formed in 1982 to gather and disseminate information about health studies concerning the effects of the TMI accident. The committee also exercises oversight over the TMI Health Fund which was formed to fund health studies related to the accident, with money set aside as a result of a class action suit brought by area residents and businesses.

- There is significant evidence that company officials have given misleading and false testimony to the NRC's Licensing Board's and to the Commission. They have altered testimony in federal court based on false assumptions and unsupported facts in order to protect the company's financial interests. Company management attempted to constrain an NRC investigation of allegations critical of management, and promoted one individual who was deliberately uncooperative with NRC investigators. The company has regularly withheld documents which are critical of the company from regulatory officials.
- Since the accident, the company has been cited for numerous regulatory violations. It has failed miserably in its obligations to fix design and hardware deficiencies revealed by the accident.

Source: Joanne Doroshow  
Lynne Bernabei  
Attorneys  
Three Mile Island Alert

April 26, 1985

# **TMIA: THREE MILE ISLAND ALERT, INC.**

315 Peffer St., Harrisburg, Penna. 17102 (717) 233-7897

## FACTS ABOUT TMI'S OWNERS AND OPERATORS -- GENERAL PUBLIC UTILITIES CORPORATION AND SUBSIDIARIES

- GPU and its subsidiaries created conditions under which the worst commercial nuclear accident in this nation's history occurred, endangering an entire population and destroying a reactor which has become a hazardous menace to the surrounding community. There is significant evidence that GPU allowed the accident to happen by placing its own financial considerations before safety -- by allowing operation before construction was complete, by providing those running the plant with insufficient resources to maintain safety, by violating regulatory requirements, and by violating the law to keep the crippled plant operating when it should have been shut down for repairs.
- Metropolitan Edison Company, the GPU subsidiary which partly owns TMI and operated it at the time of the accident, is the first and only NRC licensee ever criminally convicted of violating the Atomic Energy Act and its regulations. The conviction establishes that the company maintained a policy to systematically falsify critical safety data and destroy documents for months leading to the 1979 accident. The company still does not admit that leak rates were falsified.
- During the TMI accident, company officials, many of whom are still with the company, withheld critical information from government officials as to its seriousness so that protective action for the community at risk was not properly considered. After the TMI accident, company officials lied to the government as to its causes and covered up facts which eventually led to Met Ed's criminal conviction. The company rewarded and promoted those who misrepresented the facts in the interest of protecting the company from criminal, regulatory and public sanction. GPU and its subsidiaries have never accepted full responsibility for the accident.
- After the accident, cheating -- by a senior plant manager who was recently convicted of federal crimes -- was covered up by submission of material false statements to the NRC. After the accident, cheating occurred on operator exams, in part due to widespread disrespect for training by both management and operations personnel.
- The NRC Staff now admits that during recent Unit 2 clean up operations, company officials willfully violated safety procedures. It has been reported that company officials have risked worker health and safety through sloppy clean up practices, leading to excessive contamination of workers. Company officials have harassed, intimidated, discriminated against, and fired clean up workers who reported safety violations.

-- Questions concerning the character and competence of GPU management arising out of the trial record developed in GPU's \$4 billion suit against Babcock and Wilcox company, settled in 1983. This includes new evidence that company officials presented false and misleading statements to the NRC concerning its responsibility for the accident.

- Legal actions now being filed challenge the NRC's February decision to stop further hearings on management capability.

Source: Joanne Doroshow  
Lynne Bernabei  
Attorneys  
Three Mile Island Alert

April 26, 1985



# **TMIA: THREE MILE ISLAND ALERT, INC.**

315 Peffer St., Harrisburg, Penna. 17102 (717) 233-7897

## FACTS ABOUT THE RESTART OF TMI

- At the time of the March 1979 accident at Three Mile Island Unit 2, TMI Unit 1, its sister reactor, was shut down for refueling.
- On July 2, 1979, the Nuclear Regulatory Commission (NRC) ordered TMI-1 to remain shut down pending public hearings. The Commission said that it lacked "reasonable assurance" that TMI-1 could be operated safely.
- On August 9, 1979, the NRC established a hearing process to examine the restart issue. Many organizations and individuals intervened in these proceedings.
- The first set of hearings lasted from October, 1980 through July, 1981. The hearings were reopened after the discovery of cheating by operators on licensing exams, and were held from November through December, 1981. The Licensing Board found in favor of restart in three decisions, the last one issued July 27, 1982.
- Intervening organizations appealed the decisions supporting restart to the NRC's Appeal Board. In May, 1984, the Appeal Board found in favor of the intervening organizations and ruled that the record could not support a finding that company management was capable of safely operating the plant. Hearings were reopened on four issues.
- The NRC allowed hearings to proceed on two issues. These issues were: whether GPU President Herman Dieckamp lied concerning his understanding of the seriousness of the 1979 accident; and the quality of TMI-1's training program in light of the recent cheating scandal. Hearings were held from November, 1984 through January, 1985.
- On February 25, 1985, the Commission stopped all further hearings concerning management capability and character, and indicated that a restart vote could occur even before decisions were rendered by the Licensing Board on the most recent hearing issues.
- Issues on which the NRC has refused to hold hearings include:
  - Evidence of deliberate falsification and destruction of leak rate data for months leading to the accident. This evidence resulted in a 1983 criminal indictment and subsequent pleas of guilty and no contest by GPU subsidiary Metropolitan Edison Company.
  - Evidence of similar leak rate practices at Unit 1, involving current TMI-1 management and operators.
  - Evidence confirmed by the NRC of recent deliberate circumvention of safety procedures during the clean up, and of illegal harassment and firing of those who report safety violations.

KEY CONTACTSArea Residents

Joyce Corradi -- (717) 939-0345. Wife and mother. Represents "Concerned Mothers and Women;" 37 year resident of Middletown, PA.

Paola Kinney -- (717) 939-3312. Wife and mother. Represents "Concerned Mothers and Women;" 17 year resident of Middletown, PA.

Bev Hess -- (717) 684-5129. President of the Three Mile Island Public Interest Resource Center; Active in Susquehanna Valley Alliance and issues related to health concerns of those living downstream of TMI; Resident of near Columbia, PA.

Three Mile Island Alert Office -- (717) 233-3072 (Staffed by area residents Kay Pickering, Eric Epstein, Brian Hunt). Involved in all restart community activities and TMI related health issues.

Local Elected Officials

Larry Hochendoner -- (717) 255-2741. Dauphin County Commissioner; Outspoken critic of restart; Responsible for putting on ballot 1982 restart referendum.

Legal Issues

Joanne Doroshow -- (202) 797-8106. Attorney with the Christic Institute; Represents Three Mile Island Alert; expert on management and steam generator issues; former resident of Harrisburg, PA.

Lynne Bernabei -- (202) 232-8550. Attorney with the Government Accountability Project; Represents Three Mile Island Alert; management issues.

Ellyn R. Weiss -- (202) 328-3500. General Counsel, Union of Concerned Scientists; expert on technical issues, also management and steam generator issues.

Robert Pollard -- (202) 296-5600. Nuclear Safety Engineer, Union of Concerned Scientists; expert on technical and steam generator issues.

Contact: Joanne Doroshow  
(202) 797-8106

NUCLEAR REGULATORY COMMISSION TO RESTART  
THREE MILE ISLAND NUCLEAR POWER PLANT

On March 28, 1979, a near-meltdown of the Three Mile Island Unit 2 nuclear reactor started a chain-reaction of political and scientific opposition to unsafe practices of the commercial nuclear industry in America.

Opposition to new nuclear plant construction, and the continuing hazardous operation of existing plants, has remained hot ever since.

Now, the federal Nuclear Regulatory Commission (NRC) plans to restart TMI Unit 1 on May 29 -- less than two weeks from today. TMI-1, shut down since the 1979 accident, is the sister nuclear reactor to Unit 2, heavily damaged six years ago in what is recognized as the worst commercial nuclear accident in this nation's history.

Public and political sentiment against the restart of TMI-1 is the strongest ever in opposition to the operation of a nuclear reactor. Opponents include:

- Pennsylvania Governor Richard Thornburgh, who has urged the NRC not to vote on TMI-1 restart until hearings are completed on certain "management integrity" issues. The Governor filed a court action on April 26, 1985 in an attempt to block the restart
- Both U.S. Senators from the Commonwealth of Pennsylvania, and a number of U.S. Representatives for Districts within and adjacent to the reactors.
- Almost all area state and local officials, including State Senators, State Representatives, Mayors, members of City Councils, County Commissioners and Townships Supervisors.

- Voters in three Pennsylvania counties who expressed 2 to 1 opposition to TMI-1 restart in a non-binding referendum on May 18, 1982.

Why all this fuss from citizens, officials and authorities over the restart of TMI-1, a nuclear reactor which its owners have gone to extremely expensive ends to advertise as "undamaged" by the March 28, 1979 accident?

There are three primary reasons for all the opposition to TMI's restart -- one, is the demonstrated lack of integrity, or "character" on the part of those who manage its operations; two, is the physically unsafe condition of the plant, particularly in light of extensive damage to the reactor's steam generators in 1981. (See, Philadelphia Inquirer, "TMI is seeking to start up Unit 1 with deteriorated tubes in place," Sunday, March 24, 1985, enclosed with press packet); three is the simple fact that community residents who have already suffered through the trauma of one nuclear power accident, simply will not tolerate living in fear of another nuclear accident.

Opposition to restart because of company management's lack of good character stems from a long history of managerial incompetence and misconduct dating from long before the Unit 2 accident and continuing to the present day, which the NRC has refused to adequately consider. This includes:

- Evidence that Metropolitan Edison Company, the GPU subsidiary which partly owns TMI and operated it at the time of the accident, maintained a company policy to systematically falsify critical safety data and destroy documents for months leading to the 1979 accident. Met Ed became the first NRC licensee ever convicted of criminal violations of the Atomic Energy Act for these incident.



- Evidence of similar pre-accident practices at Unit 1, involving current Unit 1 operations and management personnel.

- The company's decision to submit material false statements to the NRC in connection with the cheating of then Unit 2 Supervisor of Operations, who last November was convicted in federal court of cheating. This issue was removed from the restart hearings before the NRC's investigation of this incident, which resulted in a \$100,000 fine against the company.

- Allegations supported by the NRC Staff that GPU deliberately circumvented safety procedures during the clean up, and illegally harassed and intimidated, those who reported these safety violations.

- Questions concerning the character and competence of GPU management arising out of the trial record developed in GPU's \$4 billion suit against Babcock and Wilcox company, settled in midstream in 1983.

- This included evidence that company officials lied to the NRC as to the company's responsibility for the accident in response to the NRC's Notice of Violation for the accident.

- Evidence that the company may have altered its own internal report of the accident for improper motives, including to improve its litigative position.

- Evidence that company officials altered testimony in this court proceeding based on false assumptions and unsupported facts in order to protect the company's financial interests.

In addition, at this point in time, there have been NRC hearings but no decision on whether GPU President Herman Dieckamp made false statements to Congressman Morris K. Udall, Chairman of the House Interior Committee, and the NRC Commissioners, regarding the seriousness of the accident as understood by the company on March 28, 1979.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

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

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

Docket No. 50-289 SP  
(Restart)

'85 MAY 17 P5:50

000  
BRANCH

SERVED MAY 17 1985

ORDER

The order of appearance of speakers and the time allotted for each presentation at the Commission's meeting scheduled for 2 p.m. on May 22, 1985, is as follows:

The Honorable Richard Thornburgh-----	10 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 \* \* \* \*

PRESS ADVISORY

FOR IMMEDIATE RELEASE  
May 20, 1985

CONTACT:  
Joanne Doroshow  
(202) 797-8106  
Lynne Bernabei  
(202) 232-8550

NUCLEAR REGULATORY COMMISSION TO HEAR FROM GOVERNOR,  
SENATORS AND OTHERS ON TMI RESTART

NEW LAWSUITS FILED TO BLOCK RESTART

The Nuclear Regulatory Commission has scheduled a public meeting for Wednesday May 22, 1985 to hear directly from Governor Richard Thornburgh, Senator Arlen Specter, Congressmen, local officials and others, before voting May 29 on the restart of the Three Mile Island Nuclear Reactor, Unit 1 ("TMI-1").

The May 22 meeting will be held at 2 p.m. at 1717 H St. N.W., Washington, D.C., at the Commission's 11th floor meeting room.

See over for listing of those scheduled to speak. All scheduled elected officials, except Congressman Ritter, have expressed strong opposition to TMI-1 restart.

It is expected that large numbers of TMI area residents will travel to Washington for this meeting -- the last opportunity for members of the public and their elected officials to express their views about TMI-1 restart. The NRC Commissioners have announced that they will vote on restart May 29, ending a six year battle with area residents and their elected officials.

TMI-1 has been shut down since the March 28, 1979 accident at its sister plant, TMI-2. Opposition to restart due primarily to the record of misconduct by General Public Utilities Corp., TMI's owners and operators, and the NRC's poor handling of the issues, has grown dramatically since that time.

In a related matter, a second round of lawsuits will be filed today in the U.S. Court of Appeals in Philadelphia, in an attempt to block the restart vote. The petition being filed asks the court to order hearings on GPU's character to examine whether GPU's license to operate its three nuclear reactors should be revoked. Petitioners are: Pennsylvania State Senator John J. Shumaker, Pennsylvania State Representative Peter C. Wambach, Dauphin County Commission Larry J. Hochendoner, New Jersey SANE, Essex SEA Alliance, and TMIA. GPU currently holds operating licenses for TMI Units 1 and 2, and the Oyster Creek reactor in New Jersey.

(more)

12/82

TRANSMITTAL TO: ☒

Document Control Desk, 016 Phillips

ADVANCED COPY TO: ☐

The Public Document Room

DATE:

5/28/85

cc: OPS File

FROM:

SECY OPS BRANCH

C&amp;R (Natalie)

Attached are copies of a Commission meeting transcript(s) and related meeting document(s). They are being forwarded for entry on the Daily Accession List and placement in the Public Document Room. No other distribution is requested or required. Existing DCS identification numbers are listed on the individual documents wherever known.

Meeting Title:

Oral Presentations by Participants on Lifting Immediate Effectiveness of 1979 Shutdown Orders for Imi

Meeting Date:

5/22/85

Open

☒

Closed

DCS Copies  
(1 of each checked)

Item Description:

Copies  
Advanced  
To PDR

Original  
Document

May  
be Dup\*

Duplicate  
Copy\*

1. TRANSCRIPT

1

1

When checked, DCS should send a copy of this transcript to the LPDR for: \_\_\_\_\_

w/order

2.

Attached list11of documents

3.

4.

(PDR is advanced one copy of each document, two of each SECY paper.)

\*Verify if in DCS, and  
Change to "PDR Available."



Attachments to 5/22/85 transcript "Oral Presentations by  
Participants on Lifting Immediate Effectiveness of 1979  
Shutdown Orders for TMI-1" (PUBLIC MEETING)

1. Statement of Marjorie and Norman Aamodt (corrected copy)
2. Aamodt package
  - CLI-85-08
  - Notes dated 3/24/82
  - Letter from CDC to Dr. Bruce Molholt, dated 1/7/85
  - Affidavit of Randall C. Thompson
  - Letter from M. Aamodt to Thomas Combs, dated 4/26/85
  - Testimony of Steven Forry, dated 3/27/85
  - Statement of Carl J. Johnson, M.D., M.P.H.
3. Statement of the Honorable Don Ritter, dated 5/22/85
4. Statement of Congressman George W. Gekas, dated 5/22/85
5. News Release GPU Nuclear, dated 5/22/85
6. Statement of W.G. Kuhns, GPU
7. Statement of Ellyn R. Weiss, UCS, dated 5/22/85
8. TMIA Press Packet