



Delay decision on restart at TMI

Three Mile Island got three good socks on the jaw last week. They should delay a decision on the restart of the undamaged nuclear reactor.

The most telling blow was one made by a federal appeals board. It said it didn't have enough evidence to decide whether the managers of TMI were competent.

The issue of management's competency has been argued since last May. That's when the Nuclear Regulatory Commission's staff said it couldn't vouch for the ability and integrity of management.

So the NRC ordered its Atomic Safety and Licensing Board to study the issue. The board said the managers are capable of operating TMI safely. Anti-nuclear groups appealed the ruling.

The day before the appeals board's ruling, NRC officials said they were planning to ask the U.S. Justice Department for a criminal investigation. The question is whether GPU officials improperly toned down an internal report dealing with the infamous accident at TMI on March 28, 1979.

The NRC officials said, too, the Justice Department was conducting another criminal investigation. This centers on the question of whether company officials lied to the NRC about an inquiry

involving cheating by reactor operators.

Three days before the appeals board issued its report, an NRC commissioner, James Asselstine, said the agency should delay its decision on restart.

The NRC was expected to vote June 27 on restart.

Asselstine said the NRC probably won't have enough information by then. He wants the NRC to wait for the conclusion of hearings on the safety of controversial repairs made to the undamaged reactor.

The reactor was shut down for repairs when its sister reactor was damaged and hasn't been allowed to restart.

Asselstine warned that a majority of the five-member commission may not wait for the end of the hearings.

How can the NRC vote next month for restart? The competency of the managers of TMI is still up in the air even within the government. The question of safety has not been settled, either.

Gov. Thornburgh's 1979 demands are still valid: No restart until all official investigations are completed, design flaws that contributed to the accident are corrected, operator training is upgraded and the money to pay for cleaning up the damaged reactor is in place.

Study links TMI to high cancer rate

By SUSAN COLLINS
Daily Record staff writer

A study linking the radiation released from the 1979 accident at Three Mile Island to a high rate of cancer deaths and abnormal plant growths was released Thursday by critics of the nuclear power plant.

Marjorie and Norman Aamodt, intervenors in the TMI case before the Nuclear Regulatory Commission said a survey of 331 residents found a cancer death rate seven times higher than normal in two areas northwest of the plant.

The Aamodts petitioned the NRC to examine the residents' complaints before deciding whether to allow the restart of the plant's undamaged unit 1 reactor.

"We're not saying we have all the answers," Mrs. Aamodt said. "We're saying we've produced a study that's provocative. There's simply so much here that we're asking that it be investigated."

Mrs. Aamodt said she and her husband were introducing the study because they have not seen "a single word in the restart proceedings about these experiences."

Aamodt said the study casts a new light on the integrity of TMI management, an issue that is being examined in the restart proceedings, because "it demonstrates lives have been lost."

The operator of TMI is seeking authorization to restart the undamaged unit 1 reactor, which has remained shut down by NRC order since an accident crippled the unit 2 reactor five years ago.

The survey's results were at odds with studies conducted by the state Health Department, which did not find an unusual number of deaths from cancer and concluded the risk from the radiation released was minimal.

The Aamodts argued that the health department's study could have missed the abnormalities their survey found because they would be lost in the state's large sample.

The state studied the number of cancer deaths in a 10-mile radius of the plant. The high cancer rates found by the Aamodts were in areas lying in the direction the wind was blowing during the accident.

The areas they studied were selected because they heard reports of people receiving sunburns and a metallic taste in their mouths during the early days of the accident. Although they would not identify the areas by municipality, the Aamodts said they were on the west shore of the Susquehanna River, three and a half to seven miles from TMI.

A group of women interviewed the residents of 110 homes, which constituted most of the homes in the areas studied.

In the two areas northwest of the plant, the women found 13 people had died of cancer since the accident. According to state health statistics, the Aamodts said there should have been about two cancer deaths.

The study also catalogued complaints from residents who reported nausea, sunburns, tearing eyes and a metallic taste in their mouths and included a report on plants that grew exceptionally large, had multiple buds or other unusual features.

Dr. George Tokuhata, the director of the health department's studies on TMI, said the health department has been cataloguing cancer deaths in the state and will have a report examining the affect of the TMI accident on the surrounding area in a few months.

He added he thinks some of the claims in the Aamodt's study sounded doubtful. Anyone whose skin was burnt by radiation would now be seriously ill if not dead, he said.

And he said official reports of the amount of radiation released indicate residents would receive, at the most, the same amount of exposure they normally receive in a year.

But the Aamodts differ with the official reports. They charged TMI's management may have deliberately destroyed records of radiation counts after the accident.

Doug Bedell, a spokesman for TMI, said reports of radiation readings taken with handheld monitors in the area were thrown away after the accident, but that a log listing those readings is still intact.

He added that the readings from the handheld monitors were not used to calculate the radiation dose residents might have received. The federal task force determining the dose residents received used information provided by permanent radiation monitors located around the plant, he said.

York Daily Record
Thursday, June 28, 1984

Planning to hold up TMI restart

By JILL LAWRENCE
Associated Press Writer

Emergency planning deficiencies at Three Mile Island will block an immediate decision by the Nuclear Regulatory Commission to reopen the undamaged Unit 1 reactor there, the NRC staff said Wednesday.

William Dircks, the staff's executive director for operations, said communications problems that arose during an emergency drill in Lancaster and Dauphin Counties are directly related to a restart condition set down by the licensing board that heard testimony on relicensing.

"Such deficiencies preclude an ultimate authorization of restart . . . until the staff is able to certify that those communications deficiencies have been corrected," Dircks said in a memo to NRC members.

Ed Jordan, head of the NRC's emergency planning program, said a tabletop drill to test the deficiencies is scheduled in Dauphin County "by September 30." He said Lancaster County problems may not be retested until an Oct. 17 drill at the Peach Bottom nuclear plant.

Unless the time frame is shortened, the commission apparently will have to wait several months before voting on allowing Unit 1 to restart.

"The existing situation is that the staff must certify the adequacy of the . . . emergency planning. That's the way it is set up," said NRC spokesman Joe Fouchard.

Statement Of Hbg. Councilwoman Jane Perkins:

Councilwoman Jane Perkins made a separate statement last week, addressing many of the problems created by the inadequate Emergency Plan prepared by the NRC for TMI. Here is Ms Perkins letter:

In December of 1981 Mayor-elect Reed, Councilman-elect Gilchrist, Representative Wambach and I each presented testimony in opposition to evacuation plan changes which eliminated most of Harrisburg from official TMI Evacuation Plans as presented by Pa. Emergency Management Agency (PEMA) and Nuclear Regulatory Commission (NRC).

In March 1982 County officials explained to me that as a member of Harrisburg City Council I have legal responsibility for approval of Emergency plans for citizens in Harrisburg. They asked me to sign the plan which we opposed just months before.

Since the TMI accident and throughout 1982, 1983 and 1984 Council has passed resolutions, testified at hearings and generally communicated to decision-makers that we are opposed to Restart at TMI.

With a restart decision imminent, Council determined to take official action on this issue of public health and safety. On March 6, 1984 Council took official action and rejected the proposed evacuation plan for our City as approved by the NRC.

Since we are committed to protecting our citizens and would likely approve a workable plan which is adequate to our needs and protects all of our citizens, Council established its AD HOC Committee on TMI evacuation, which I chair.

The task of our Committee is to explore alternative, adequate, workable evacuation plans which meet the needs of our entire Community, to plan a strategy for forcing NRC acceptance of such a plan if one is found, and to legally oppose restart at TMI until such time as our alternative evacuation work produces the results we seek.

We are meeting here today, to show just one obvious deficiency in the current plan. The patients in Harrisburg Hospital, 10 miles from TMI would not be transported, cared for, provided for, evacuated, or protected under the "official" evacuation plan should an accident occur at TMI which requires evacuation.

This is short-sighted on the part of the NRC, cruel and unfair to our citizens, and unacceptable to the elected officials of this City. We are committed to fighting the system until we get changes.

In addition to this hospital, there are nursing homes for our aged, schools where our young people gather, additional hospitals, and other institutions and individuals whose interests must be served by someone.

Our letter today to Harold Denton will begin an official process within the NRC which we hope will correct these oversights by a Federal agency in Washington, D.C. whose interests appear to be more inclined to protect the corporate good than to protect human beings.

If citizens and public officials in Suffolk County, New York can win against the NRC in their evacuation battles, so can we. This is the start of a process which we feel gives us a fighting chance.

The problems turned up in a November 1983 exercise. The Federal Emergency Management Agency identifies them as "category A," meaning that offsite emergency preparedness is not sufficient to protect the public health and safety.

FEMA said Dauphin County officials did not promptly notify the state emergency agency and localities and other counties at risk in the simulated incident. Also, five Lancaster County towns within 10 miles of the plant did not receive prompt notification of the simulated accident and the county waited 25 minutes before starting to relay a governor's evacuation order.

A fourth deficiency involved understaffing and very limited response activities in Dauphin County. But Dircks said the failure of Dauphin County officials to fully participate in the drill was not related to a specific restart condition.

He said the communications deficiencies are not new and do not warrant reopening the Unit 1 licensing hearings.

"Except for the staff's certification that emergency planning restart conditions have been satisfied, the emergency planning portion of the TMI-1 restart proceeding has ended," Dircks said in the memo. "Further hearings on emergency planning in the context of the restart proceeding are unnecessary."

The Paxton Herald, June 6, 1984

Emergency planning and the response to the crippling 1979 accident at TMI's Unit 2 reactor were among the concerns that prompted the commission to suspend operating authority at the adjacent Unit 1.

TMI management hotly debated in secret

By SUSAN FITZGERALD and JIM DETJEN
Knight-Ridder Newspapers

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Ever since the Nuclear Regulatory Commission began deliberations on whether to allow the undamaged unit 1 reactor at Three Mile Island to restart, two major arguments have developed.

One side claims the NRC has not moved quickly enough in reaching a decision. The other side, however, contends that questions of management integrity involving TMI's own-

THE NRC: AN INSIDER'S LOOK

Last of a series

er deserve thorough investigation before a decision on restart is made.

Among members of the NRC, it was no different.

In the months following the 1979 accident at the adjacent unit 2 reactor, the NRC held 28 closed-door sessions to discuss whether unit 1 should be restarted.

would serve no purpose for the commission to ask questions dealing with the company's handling of the unit 2 accident.

"If it started to go into whether or not information was withheld during the accident, I would say I think that is going into an area that is going to not enlighten us on the management capabilities of the organization but rather to rehash something that has been gone over a great deal," Palladino said.

Gilinsky objected. "How they coped with the past is as important

Please see NRC on 4A

Transcripts of those meetings show the battle lines have been clearly drawn: On one side is Nunzio Palladino, chairman of the commission since 1981; on the other is Victor Gilinsky, whose term expires at the end of this month.

Palladino often complained that the commission was not moving quickly enough toward reaching a decision on restart.

"We are making it so difficult for these people (General Public Utilities Corp., TMI's owner) to get it operating," Palladino said at a Dec. 6, 1982, secret meeting.

Gilinsky, on the other hand, con-

tinually turned discussion to the significance of the many allegations of impropriety involving TMI management.

"This is, you know, not a good outfit, to put it in the mildest terms," Gilinsky said Jan. 24, of GPU's top management.

"One way or another the people at the top have got to take responsibility," he said.

Those statements and others of closed-door commission meetings — from Oct. 1, 1981, to Jan. 26, 1984 — were revealed in 1,700 pages of secret transcripts released last week under two Freedom of Infor-

mation Act requests by the Philadelphia Inquirer.

In a closed-door session on Oct. 1, 1981, Palladino and Gilinsky debated how to structure a meeting on Oct. 14 focusing on management competence.

Gilinsky wanted to question the top management of GPU — William Kuhns, chairman of the board, and Herman Dieckamp, company president. Palladino argued that it was not necessary for the commission to talk to the top management, that the NRC could instead talk to GPU's attorneys.

Palladino said he thought it

Nuclear watchdog bears watching

MY VIEW one reader's opinion



Edward J. Walsh is associate professor of sociology at Penn State University. He has written several articles on citizen mobilization in the wake of the Three Mile Island incident.

EDWARD J. WALSH

The Patriot, Harrisburg, Pa., Wednesday, June 13, 1984

CITIZENS opposing the restart of TMI-1 are legally bound to argue their case before the Nuclear Regulatory Commission (NRC), a federal agency symbiotically linked with the nuclear industry. Its background as well as its performance to date in the TMI case, however, make it safe to bet the store that the NRC's final verdict will be affirmative on restart.

Regulatory agencies usually become captive to the industries they are appointed to monitor, and the NRC is no exception to this rule. The agency is programmed to give the survival and growth of the industry priority over public health and safety. Congress terminated the Atomic Energy Commission (AEC) in the mid-1970s because of its failure to regulate the nuclear industry, but the newly created NRC emerged with many of the same personnel as well as the burden of hundreds of precedent-setting AEC decisions (see Daniel Ford's *Cult of the Atom*, 1982, for extensive details). The AEC, for example, encouraged utilities to scale up reactor size without adequate testing, cluster them, and use heavily populated areas for siting. The two massive TMI units adjacent to urban areas of Central Pennsylvania are AEC mistakes inherited by the NRC. Such historical considerations, however, are not the only nuclear industry manacles on the regulatory agency.

GENERAL Public Utilities (GPU) has filed a \$4 billion lawsuit against the NRC, claiming that widespread regulatory failure was a major contributing cause of the accident. The federal agency is, according to independent investigations by the Kemeny and Rogovin Commissions, quite vulnerable to such charges. GPU might be willing to drop this suit, however, just as it did with a similar one against Babcock and Wilcox (B&W), the reactor manufacturer in return for the NRC's permission to restart Unit 1. The reason for the B&W settlement was, according to the New York Times (1/25/83), that "further disclosures could damage the future of the nuclear power industry in which both parties had a large stake." The same logic applies, all the more strongly, to the GPU vs. NRC litigation.

The billions of dollars of sunken costs in Unit 1 is

the strongest (only?) argument for restarting it, but that line of logic is no more persuasive than insisting that a family eat a rancid turkey which it had the misfortune to purchase. There are, on the other hand numerous reasons why the NRC should prevent GPU from restarting Unit 1, including its poor original siting near urban populations, the radioactive rubble from Unit 2 just yards away, and disturbing evidence undermining GPU's corporate credibility.

In addition to its lead role in causing the accident the utility has also been charged with encouraging operator cheating on license examinations and taking public health risks in the Unit 2 cleanup. The most damaging evidence against GPU, however, is its recent "guilty" plea to criminal charges involving lease rate falsification of TMI-2 records prior to the accident.

The prosecuting attorney for the U.S. Department of Justice, in announcing the plea bargain arrangement whereby four charges were dropped in return for GPU's willingness to plead "guilty" or "no contest" to seven of the 11, said "the NRC's inquiry into the case has been a charade."

CONFRONTED with GPU's corporate irresponsibility and a captive regulatory agency, citizen groups are working to persuade the public and the courts to overrule any NRC decision permitting restart. Some citizens are helping design litigation strategies to challenge the federal agency's ruling in civil court. Others have focused on lobbying efforts with state and federal representatives. Still others have abandoned hope in the legal system as well as in established political processes and turned to planning for massive civil disobedience.

The largest majority of citizen opponents, however, are waiting on the sidelines hoping that the evidence will neutralize NRC pro-nuclear biases and result in a negative restart decision. (Readers wanting more details on these issues may contact the Public Information Resource Center, 1037 Maclay, Harrisburg 17103, phone: 717-233-4241.)

NRC

Continued from 1A

as what they are planning for the future," he said. "... I cannot imagine that a banker would not want to talk with the top managers if he were going to give them a big loan."

In the transcripts, Gilinsky repeatedly called for the ouster of Kuhns and Dieckamp.

At a closed-door session on Nov. 8, 1983, Gilinsky chastised the commission for refusing to take a critical look at GPU's top executives.

"Everyone is comfortable with fingering small-fries, guys with blue collars, but when you start getting up a little higher, you say, 'Hey, wait a minute,'" he said.

The transcripts also raise questions about how the commission has gone about determining the conditions under which plant operator GPU Nuclear Corp. could be allowed to restart unit 1.

At a Jan. 26, 1984, meeting, after some commissioners referred to the restart plan they were considering as the "GPU proposal," Gilinsky commented: "It doesn't look so good to be calling this the GPU proposal. But in fact, it is."

The next day the commission voted 3-2 to approve a plan that would allow unit 1 to be restarted prior to the completion of both civil and criminal investigations involving GPU officials. It also would allow Kuhns and Dieckamp to remain in their present positions.

□ □ □

Two of the strongest pushes to allow unit 1 to be restarted came before the completion of major investigations, the transcripts show.

In late 1982 the commission seriously considered lifting the shutdown order even though an NRC hearing on whether TMI reactor operators had cheated on NRC

licensing examinations was not completed.

Beginning in the fall of 1983, the NRC again pushed toward restart even though a criminal trial involving Metropolitan Edison Co., the plant's former operator, was pending.

In November 1982, Hugh Thompson of the NRC's Division of Human Factors stated publicly that NRC investigators had found that cheating by TMI control-room operators on company and NRC exams was the "worst case" of cheating the agency had ever found.

Because of the scandal, the agency had set up a special hearing to investigate the episode.

As early as Nov. 6, 1981, Irwin Rothschild, an NRC attorney, told the commissioners behind closed doors that NRC investigators probing the incident had found "enough there where it could be criminal conduct."

Palladino pushed strongly for a vote on restart in December 1982, before those issues were resolved.

"Well, are we going to get it done this year?" Palladino asked at a Dec. 6, 1982, closed-door meeting at which the commissioners reviewed a restart plan. "... We have got an order to get out."

The commission never voted on the plan that year.

In July 1983 the NRC fined GPU \$140,000 for the cheating incidents. And late last year, NRC investigators asked the Justice Department to begin a criminal investigation into whether GPU officials lied to federal regulators during the course of the cheating investigation.

In the fall of 1983, the commission again considered ways to restart the plant even though Met-Ed had just been indicted.

The 11-count indictment handed up by a federal grand jury in Harrisburg on Nov. 7, 1983, charged the company with routinely falsifying and destroying safety records showing whether excessive water was leaking from unit 2's cooling system in the months leading up to the March 1979 accident.

The day after the indictment was announced, the commission met in a closed-door session to consider options on how to authorize the restart of unit 1.

During that meeting, the commissioners discussed the potential impact of the criminal indictment. "I questioned whether we should immediately draw an inference that this is directly related to TMI-1," Palladino said.

At a meeting last Jan. 16, the commission once again grappled with the question of how to deal with the criminal charges that had been brought against Met-Ed.

Palladino said he did not think it was necessary to await the completion of trial or settlement of the case before making a restart decision because the charges dealt with unit 2, not unit 1.

Commissioner Thomas Roberts, a frequent ally of Palladino, said, "Just because you are charged with some wrongdoing is meaningless." He added: "I attach no importance to the indictment per se."

Commissioner James Asselstine said Herzel Plaine, the agency's general counsel, had told him the Justice Department was "amazed that the commission was even considering restart until after the material that they had compiled in grand jury investigations was available to us."

Commissioner Frederick Bernthal, the newest of the five commissioners, also questioned the wisdom of making a decision before all the facts were known.

"How in the world, if a company is under indictment in connection with running nuclear power plants, can the commission vote to allow that company to restart the plants?" Bernthal said.

Eleven days later, in a public meeting, Bernthal, along with Palladino and Roberts, voted in favor of a plan that would allow unit 1 to go back in operation before the completion of the criminal proceeding.

On Feb. 28, Met-Ed pleaded guilty or no contest to seven of the 11 criminal charges accusing the company of falsifying safety records.

York Daily Record • Monday, July 16, 1984

Against restart at TMI

Many of your readers have pride in their homes and their country. One has only to drive the streets of York and the surrounding small towns to see swept sidewalks, clean washed windows, and neat and tidy lawns.

Are they just as proud of their environment? As humans we are limited to the specific habitats in the ecosphere where it is tolerable to live. We learned five years ago that it is difficult to live through a commercial nuclear accident.

I am scared that there may be another accident if GPU Nuclear is permitted to restart Unit 1 at Three Mile Island nuclear electrical generating plant. I do not think that my nervous system can adapt to another accident.

I do not want to see this lovely and tidy community to become another ghost town.

I believe that no one in York wants to see our good life and our good community destroyed. I believe that other concerned individuals do not want Three Mile Island to be the cause of the ending of life in York County.

My sincerest hopes is that Unit 1 will never restart, and will never have an opportunity to destroy this ecosphere.

Linda Amos
York

Industry frees \$81 million to TMI cleanup

By SUSAN COLLINS
Daily Record staff writer

Long-awaited money promised by the electric utility industry for the cleanup of the damaged Three Mile Island reactor became available Monday when industry officials decided to waive restrictions on the funding.

The board of directors of the Edison Electric Institute agreed to turn over to TMI officials the money collected so far, although it has not reached the \$100 million threshold initially required.

TMI spokesman Doug Bedell said the decision was announced in a statement issued from the institute's board meeting in Boston.

The \$81 million pledged by the investor-owned electric utilities will be paid in \$25 million annual installments for six years, beginning in January 1985.

To insure the annual payments will be made, nine Pennsylvania and New Jersey utilities agreed to make

up for any shortfall with research and development grants, Bedell said.

He said he hopes the industry's contribution will persuade the state Public Utility Commission to approve a request by TMI's owners to divert more ratepayer funds for cleanup.

Metropolitan Edison Co. and Pennsylvania Electric Co. have asked the PUC to make an accounting change that would switch \$17 million a year to the cleanup budget from the fund to pay off the debt on the damaged unit 2 reactor.

The PUC turned down a similar request last fall because the industry had not contributed any funds.

If the commission approves the request, it would bring the ratepayers' contributions up to the \$50 million a year recommended under Gov. Dick Thornburgh's \$1 billion funding plan for cleanup of the damaged reactor.

"That's pretty darn significant," Bedell said. "If we get up to the \$50 million level from (the ratepayers), we'll be very close to the \$100 million level which was our target for next year."

Nuclear and electric utility contributions are a key portion of Thornburgh's cleanup proposal.

EI originally pledged to raise \$150 million from its members. It says state utility commissions have slowed that goal by directing companies not to make contributions.

Nuclear Regulatory Commission officials have estimated there will be a \$200 million funding shortfall in cleanup funding after 1984, with the most difficult and dangerous decontamination tasks still to come.

One official said last month there is a \$100 million cleanup budget for 1985 but only \$59 million has been committed so far.

GPU, the Department of Energy, the states of Pennsylvania and New Jersey, and several Japanese utilities already have given financial support to the \$1 billion effort, expected to last until 1989.

Utilities ante up for TMI

PRESSURE from Governor Thornburgh seems to have finally shaken loose some of the funds that had been promised for the cleanup of the damaged reactor at Three Mile Island three years ago by the utility industry. Meeting in Boston this week, the Edison Electric Institute voted to waive the \$100 million commitment from utilities it had set as the minimum needed to trigger the release of funds for the cleanup. The receipt of new commitments had stalled around the \$80 million level of what originally had been intended to be a \$192-million contribution from utilities as part of Thornburgh's cost-sharing plan for the cleanup of the Unit 2 reactor.

The EEI now says the first of six \$25 million annual payments toward cleanup will be made by the first of the year. But nearly half of the payment — \$11.5 million — is likely to be provided by utilities in Pennsylvania and New Jersey if there is not a significant number of additional utility commitments to the cleanup, which almost certainly

will be the case. The additional funds from Pennsylvania and New Jersey utilities would come out of funds provided to the Electric Power and Research Institute.

THIS long-awaited movement by EEI should go a substantial way toward providing the funds needed to accomplish cleanup. But while the EEI action clears one hurdle, several more may well arise which could prevent the payment of some of the funds. Those utilities outside of Pennsylvania and New Jersey which have promised to provide funds for cleanup may face opposition to their commitment from their customers and their state utility regulatory commissions. Such opposition is largely responsible for the failure of EEI to receive the amount of utility commitments it had promised.

In any case, this is the first good news to be associated with TMI in quite some time. But it is too soon to be sure how far it will go in meeting what may be the biggest cleanup job in the history of man.

8A York Daily Record • Friday, June 15, 1984

TMI opponents want to sue NRC for radiation release

By LEE LINDER
Associated Press writer

PHILADELPHIA — People living near Three Mile Island asked a federal appeals court Thursday to allow a lawsuit against the five member of the Nuclear Regulatory Commission alleging that they authorized an illegal release of "fatal and injurious quantities of radiation."

NRC should have held a formal hearing on venting any radioactive materials, and that the failure to do so was a constitutional violation.

"This case presents the question whether the commissioners are immune from suit when they knowingly authorize the release of fatal quantities of radiation into the environment without first providing the required notice and hearing to those people whose rights to life and liber-

ty are thereby violated," Hager contended.

Chief Judge J. Collins Seitz of the 3rd U.S. Circuit Court, speaking also for Judge Arlin Adams and retired Supreme Court Justice Potter Stewart, took the request under advisement.

The case came to the 3rd Circuit on appeal from a decision by Judge Sylvia Rambo of U.S. Middle District Court in Harrisburg, who held that the commissioners were im-

une from lawsuits when they acted within the law.

It stems from the venting of krypton gas from the stricken power plant in 1980, about 14 months after the unit 2 reactor was disabled by a serious accident.

Attorney Robert Hager of Washington, representing "The People of Three Mile Island" acting through Three Mile Island Alert, claimed the

hearings that clearly provided all residents with constitutional due process.

"The commissioners acted in a judicial manner," Jones said, urging the three appellate judges to uphold Judge Rambo's decision.

The group did ask the 3rd Circuit Court for an injunction to stop the July 1980 venting, but that was denied.

The Evening News
Harrisburg, Pa., Tuesday, June 19, 1984

the FORUM

People said no to TMI restart

EDITOR:
I AM WRITING in response to letters by James Bogar and Richard Koenig in The Patriot June 1.

Koenig wonders where people from Middletown were. I'm from Middletown and I was at the Capitol steps where I spoke against restart. A person representing Middletown's mayor also spoke. I represent approximately 4,000 people and the mayor represents 10,000 plus. People from Middletown didn't have to show up because their elected officials represented the majority.

Mr. Bogar also wonders where all the people were. To Bogar's dismay most people against restart were at work or at home with their children. Bogar must face reality in that the vast majority against restart are hard-working middle-class citizens. Let's also remember Senator John Shumaker was at the Speak-Out with a strong statement against restart. Remember Senator Shumaker represents over 200,000 people. Just think of all the people who didn't have

to show up because Shumaker represented his constituents in a proper manner. Bogar must admit common sense dictates that if the majority of people in Dauphin County were for restart the pro TMI forces certainly would have put a candidate to run against Shumaker.

Met-Ed shut down Unit II. GPU keeps Unit I shut down because of their attitude toward safety. GPU has made it very clear that they want to restart Unit I before all the lessons learned from the Unit II accident are applied. The original values and objectives of our democracy should be applied in the decision. Safety and democratic principles and not money should be the main factor.

Bogar tries unsuccessfully to make everyone who is against restart look anti-American. The basis of our democracy is freedom of speech and freedom of thought. Maybe Bogar would like to live in that big country in Eastern Europe. That might be more his style. I thought the people who got arrested did it for a cause in which they believed. It was motivating to me to see grandmothers demonstrate so strongly in what they believed. They believe in America. It's these type of loyal Americans that I admire.

There are three types of people for restart. They are the employees, the investors, and the uninformed. This is why you hear sour grapes from the pro TMI faction. They have no substantive facts to present so they

resort to gutter diplomacy.

I feel we should all value our democracy. Our country was founded on truth and must be nurtured on truth. We must be careful of methods used by people like Bogar to try to confuse you and think you're anti-American if you don't think like him. You have a right to express your opinion.

Since the referendum vote there has been even a stronger trend against restart. The pro-TMI forces have been unable to make a case to the public.

—Andrew Burger,
Middletown

Increased leakage detected in TMI Unit 1

Three Mile Island Unit 1 technicians late last week detected a small increase in the amount of leakage in the steam generators, a Three Mile Island spokeswoman said yesterday.

Lisa Robinson said routine monitoring of the plant system at the undamaged reactor uncovered leakage in one heat-exchange tube. Robinson said the tube will be taken out of service and the leak will be repaired by a standard plugging process.

First indications of increased leakage in the steam generators were detected by routine sampling of water on the secondary side of the generators — water on the outside of the tubes.

Robinson also said that a small quantity of boron, a chemical found in the radioactive, primary-side water of the tubes, was detected in the secondary-side water.

Tests on all 31,000 steam generator tubes were conducted during the weekend and Monday. Plant officials said small amounts of leakage are acceptable and known to exist.

The steam generators were operated at close to normal operating pressure during hot-functional testing last month. Repairs were done, Robinson said, to remedy cracks that occurred in the upper ends of the 60-foot long heat-exchanger.

The Evening News, Harrisburg, Pa., Wednesday, June 27, 1984

Five of 51 arrested at TMI cleared of gate-block counts

Five people who were among 51 arrested for blocking the gates of Three Mile Island during a May 18 demonstration were found not guilty yesterday by District Justice William Heckman.

Those cleared of the summary offense, obstructing highways and other public places, are: Richard Lee Gibson, 38, of York RD 7; Teresa M. Eshleman, 33, of Manheim; Cynthia Y. Pettingill, 27, of 215 Verbeke St.; Barbara Anne Nace, 30, 2639 Booser Ave.; and Betty Tompkins, 66, of Lancaster.

Heckman said the five cited Section 503 of the Pennsylvania Crime Code in entering their pleas.

He said the law provides that such an obstruction may be ruled justifiable if the persons involved perceive their actions to cause lesser harm than the operation of the object they obstruct.

In this case, he said, the five defendants argued that their actions at the plant gates were less harmful than the operation of the plant. Heckman found in their favor.

He said 36 of the 51 entered guilty pleas and 10 others were found guilty in summary trials. Heckman noted that those 10 did not cite the appropriate section of the code. "They said they just wanted the plant shut down," he said.

Letter From A Young Boy...Who Has Cancer...He Appeals TO YOU

Woman files suit: Says TMI caused her son's death

I would not like to see TMI started up again because I have cancer, which I think is a direct result from the accident five years ago.

I am thirteen years old now and I have what they call a very "aggressive form" of bone cancer called Ewings Sarcoma. I was eight years old when the accident at TMI happened and I remember we were all told that the cancer rate in our area would rise. But I never thought that it would happen to me.

Now I am in the hospital far away from home, I receive radiation treatments that have been so bad that I cannot eat. My throat is burned. I also receive chemotherapy treatments and I have no hair.

I want to be outside playing with my friends this summer but I can't because I'm really sick, and I have lost 25 pounds. I am too weak to play.

I live within what is called the five mile radius of TMI, and I am scared. I'm scared for myself, and my family and for all my friends who might get cancer too.

I have had so many tests and treatments, and so many pin holes put in me from drawing blood that my whole body is a total disaster.

I want to get better so I can continue my life, and that is why I tolerate all these terrible treatments. Besides, I have to be brave, because my Mom is so scared.

Please help me and all the other people by not starting up TMI.

—Christopher Miller

The letter at left was written to The Paxton Herald by a 13-year-old boy, who is suffering from a painful and debilitating bone cancer.

The young boy is asking for help from the people of this area. He is asking for help not only for himself, but for his Mother, his friends, and the people around him.

The Paxton Herald prints this letter in a frankly emotional appeal to all of our readers, to the people who are against the restart of Three Mile Island, and also for the benefit of the persons involved with Met Ed and the United States Nuclear Regulatory Commission. Perhaps if common sense does not reach their minds and their hearts, this appeal from young Christopher Miller will hit a responsive cord!

We thank Chris for his bravery in revealing his situation to the public, and for his courage.

The Paxton Herald would like young Christopher Miller to know that he is not alone. The people of this area, both young and old, are "cheering" for him, and praying for his recovery.

Annette A. Antoun

The suit said Rogers' internal organs were contaminated by the radiation overexposure and he experienced 'extraordinary trauma, pain, suffering and mental anguish.'

HARRISBURG (AP) — A Lancaster County woman has filed a federal court suit here charging that her son died of overexposure to radiation while working on the cleanup of the Three Mile Island nuclear plant.

The suit, believed to be the first arising from the death of a TMI employee, contends that James W. Rogers was trapped inside the nuclear plant during the cleanup in October 1979. He died in 1982.

Hyland Rogers, of Marietta RD 1, seeks an award of \$10,000 plus punitive damages, according to the suit, filed in U.S. Middle District Court here.

The action charges negligence and liability against TMI's owners and operators and the plant's designers and builders.

Fellow employees were unable to remove Rogers from the plant when he reached his safe exposure limit, possibly because of malfunctioning equipment, the suit charges.

It said Rogers remained in the contaminated area for a considerable length of time.

In addition, it said he was immediately admitted to a hospital and within three months was diagnosed as having acute myelogenous leukemia.

Rogers died in May 1982. At the time, Rogers' family blamed his work at TMI for his death.

GPU Nuclear Corp., the plant's operator, had denied that Rogers' work brought about his death. Even if he would have been exposed to radiation, the company said at the time, it would have taken longer than three months for cancer to occur.

Rogers, a former Metropolitan Edison Co. employee, had worked for GPU Nuclear Corp. on the cleanup of TMI unit 2. The reactor was damaged in March 1979 in the worst accident ever to hit a commercial nuclear power plant in the United States.

At least three other death claims are pending in U.S. Middle

District Court here, but they involve people who lived near the plant at the time of the accident.

The suit said fellow crew members had difficulty removing Rogers from the contaminated unit, possibly because a harness he was using became entangled or because of an ineffective pulley system.

He was taken to the hospital without decontamination, the suit contends, and was in and out of the hospital until January 1980 when the blood disease was diagnosed.

The suit said Rogers' internal organs were contaminated by the radiation overexposure and he experienced "extraordinary trauma, pain, suffering and mental anguish."

Named as defendants were the plant's owner, General Public Utilities Corp. and its operating utilities: Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co.

Also named were its designers and builders: Babcock & Wilcox Co.; J. Ray McDermott & Co.; Dresser Industrial Valve and Instrument Division of Dresser Industries Inc.; and Catalytic Inc.

Against restart at TMI

We are passengers on a spaceship, Terra, hurtling through space on a fixed course at about 66,000 miles per hour.

This is a marvelous spaceship. It houses over 100 nations, and is capable of supplying the needs of many billion humans. It has a fantastic life-support system that uses solar energy to recycle chemicals needed to provide all living creatures with oxygen, water and food.

I am concerned that the good and lavish life we have come to enjoy in our county will soon be threatened and possibly destroyed. Met-Ed, GPU Nuclear is anticipating the restart of Unit 1 at Three Mile Island nuclear generating plant in our Susquehanna River.

I fear that our life on this spaceship will be doomed if the unscrupulous owners and staff of TMI are permitted to restart Unit 1.

It is our responsibility to maintain the safety of

the only place we have to live. Let us not be the victims of another accident. Failure at TMI may mean the failure of our spaceship to survive.

Linda Amos
York

THOUGHT FOR TODAY

They shall not hurt nor destroy in all my holy mountain: for the earth shall be full of the knowledge of the Lord, as the waters cover the sea.

— Isaiah 11:9

Governor: Wait on TMI

HARRISBURG (AP) — Gov. Dick Thornburgh said Thursday that a Nuclear Regulatory Commission decision on the restart of Three Mile Island's Unit 1 nuclear reactor is not appropriate now.

Thornburgh, in a strongly worded letter to NRC Chairman Nunzio J. Palladino, said "it is inconceivable" that the commission would vote before full funding for the Unit 2 cleanup is in place.

"I believe the Unit 2 cleanup impasse has become, in itself, a potential threat to the safe operation of Unit 1,"

Thornburgh wrote. He said he has instructed state lawyers to "formally introduce that impasse as a new safety issue in your restart proceedings."

But TMI spokesman Doug Bedell said the commission "has adequate information to make a decision on Unit 1 and should proceed to make that decision."

Thornburgh's letter, which reiterated his stand on restart, was released just days after the NRC decided to delay a Unit 1 restart vote that had been tentatively set for the end of June.

York Daily Record • Thursday, July 5, 1984

TMI restart appears to hinge on 4 issues

4 issues

By MICK ROOD/Washington Bureau
 WASHINGTON — The Nuclear Regulatory Commission is expected to address four basic issues before it decides whether to lift the suspension of GPU Nuclear Corp.'s license to operate Three Mile Island Unit 1.

Two were contemplated in an Aug. 9, 1979, order setting out requirements to be met — hardware/training improvements and emergency planning.

A third, what the order called "managerial capability," has broadened considerably and now is described as management competence and integrity.

A fourth issue, repair of the steam generator tubes at Unit 1, was not anticipated in the 1979 order. But at least one commissioner, James Asselstine, has contended it must be dealt with before restart because Congress, in the interim, passed a law requiring hearings be held on any license amendment defined as "a significant hazard."

ALL RESTART issues have taken so long to resolve — five years as opposed to the original estimate of one or two years — that the times have passed by the NRC. Delayed investigation results, findings on allegations made since the TMI Unit 2 accident and appeals running counter to positive licensing board recommendations to the NRC have overtaken the commission decision-making process.

TMI Unit 1 was shut down for refueling when what has been labeled the worst accident in the history of commercial nuclear power crippled its sister reactor, TMI Unit 2, in March 1979. Both reactors are located in Londonderry Twp., near Middletown, Pa. Although unaffected by the accident, TMI-1 has not yet been allowed to restart.

Former General Counsel Leonard Bickwit repeatedly advised the commission until last year it was "obligated" to lift the license suspension whenever it believed the 1979 order requirements were met.

A 3-2 majority of the commission has appeared poised on several occasions in the last three years to allow restart, but, as Chairman Nunzio Palladino has said, "things kept coming up."

THOSE "THINGS" have included the 1979-81 operator cheating incidents, new information from the 1982 General Public Utilities Corp. lawsuit against TMI designer Babcock & Wilcox, the federal conviction this year of Metropolitan Edison Co. (GPU Nuclear Corp.'s predecessor and a GPU subsidiary that owns part of TMI) for falsifying water leak rate

Time extended for TMI comments

WASHINGTON — Parties to the Three Mile Island Unit 1 case will have another extension of time to comment on a proposed restart order, the Nuclear Regulatory Commission said yesterday.

Groups participating in the case, including the NRC technical staff, will have until July 26 to comment on the June 1 order.

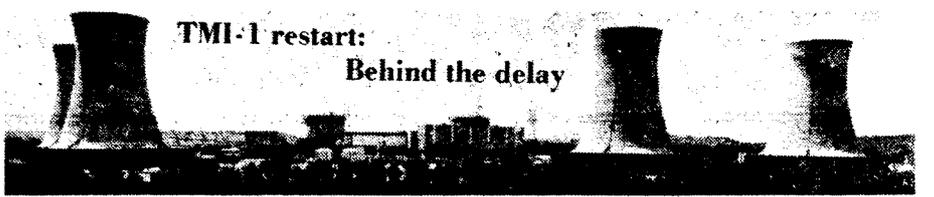
No final restart vote on the Londonderry Twp., Pa., nuclear reactor's fate is now expected until at least August.

The commission, in an attempt to take the final start-up vote last month, originally had given the parties only two weeks (until June 15) to comment. This second extension of time will give the parties almost two additional months to comment.

The order being scrutinized asks whether the NRC should vote on the Unit 1 restart without waiting for completion of hearings ordered in May by the NRC Atomic Safety and Licensing Appeals Board. The appeals board ruled further hearings were required because of several unclear issues, chief among them the Unit 1 operator training program as revamped by GPU Nuclear Corp.

A preliminary hearing on the subject was held June 28, but GPU Nuclear has asked the NRC to stay the appeals board-ordered hearings and proceed to a restart vote.

The extension of comment time on the order was requested by the NRC staff, which wants to first see results (expected July 16) of one, possibly more, remaining investigations of TMI Unit 1 management or related matters.



records, two other pending grand jury investigations and lingering doubts going back to utility officials' performance on the day of the TMI-2 accident.

The events relate to another bit of advice Bickwit gave the commission five years ago when it set up the restart order: "The plant cannot operate if you determine that it would be inimicable to the public health and safety ... regardless of the hearings held," he said.

Former Commissioner Victor Gilinsky, who retired June 30, believed a majority of his colleagues wanted to vote for restart for the past three years. It was Gilinsky who convinced the commission to vote on the restart, rather than leave the decision to the NRC staff, as is traditionally done.

"IF IT were up to the staff, it [Unit 1] would have been turned on a long time ago," Gilinsky said. "I guess it has been pretty awkward to defend the inde-

feasible in public."

Chairman Palladino drove the commission to consider at least three tentative restart vote dates, but now makes no predictions.

Here is a brief summary of the four issues before the commission:

— **HARDWARE/TRAINING** improvements. The items fulfill most of the requirements made in the 1979 shutdown order. They range from improved monitoring of operator training tests to a control room instrument panel that is easier to interpret.

The NRC staff recently recommended that TMI Unit 1 would be ready to operate safely by June 30, based on hardware and training. A licensing board recommended start-up on those issues in 1981 and 1982.

However, like everything else, the NRC appeals process passed up commission action. An Atomic Safety and Licensing Appeals Board ruled in May that questions about the TMI training program had not been fully considered by the licensing board. A preliminary hearing by a new licensing board was held June 28 in Harrisburg, Pa.

— **MANAGEMENT COMPETENCE** and integrity. This, more than any other issue, has been buffeted by what some say were unnecessarily delayed investigations.

During a closed meeting in January, before Met-Ed pleaded guilty in February, to the leak-rate falsification charge, four commissioners said they would seriously consider such a conviction in their restart votes. In addition, General Counsel Herzel Plaine said he was developing a paper based on "a whole dossier of cases" under which the NRC could consider the overall character of a licensee.

Could the commission "go so far as to revoke a license" based on character? Palladino asked.

"I think so," Plaine said.

Two pending grand jury investigations, one of them concerning the operating test cheating scandal, could also have a bearing.

— **EMERGENCY PLANNING.** More than two years ago, an NRC licensing board ruled TMI area emergency planning was sufficient for restart. But only 10 days ago, the NRC staff said that because the Federal Emergency Management Agency found communications deficiencies in Dauphin and Lancaster county exercises last year, NRC staff certification would be required prior to a restart. The process could take several months.

— **STEAM GENERATOR** repairs. When GPU Nuclear reported corrosion in hundreds of the 31,000 tubes that remove heat from the reactor of the two Unit 1 generators, NRC reactor regulation chief Harold Denton called it the worst such case in the country.

The NRC staff allowed GPU Nuclear to embark on a \$45 million repair program without first seeking a Unit 1 license amendment. The repairs are complete, although GPU found one significant leak in one tube. On June 29, GPU said the generators were "acceptable for operation."

But since Congress required two years ago that the NRC hold hearings on any license amendment deemed a potential significant hazard, Commissioner Asselstine has insisted the issue be addressed.

On a 2-2-1 tie vote, the NRC was unable to decide upon the hazard hearings Jan. 10.

Removal of radioactive fuel scheduled in cleanup at TMI

York Daily Record

Thursday, July 5, 1984

More entries at TMI

Entries into the Unit 2 containment building at Three Mile Island Nuclear Station were held Monday and Tuesday and are planned again today and Friday. Venting of the containment building is effectively continuous, a spokesman for GPU Nuclear said. TMI-2 technicians anticipate a daily release from the venting of about one curie of krypton 85. There will be no health hazard to TMI workers or the public because of the venting, the spokesman said.

Workers will begin removing radioactive fuel from the damaged Three Mile Island nuclear plant in July 1985, the plant's operator announced yesterday.

Removal of the fuel will be a "significant milestone" in the \$1 billion cleanup project and will "further reduce the remaining potential risk to the public," GPU Nuclear Corp. President Philip Clark said in a letter to the Nuclear

Regulatory Commission. TMI's Unit 2 suffered the worst accident in U.S. commercial nuclear history in March 1979.

The new cleanup schedule lists the end of this year as the target for identifying the locations of "significant quantities of fuel," Clark said.

Removal of the fuel will continue through 1987, GPU said.

York Daily Record • Friday, July 6, 1984

New NRC member sworn in

WASHINGTON (AP) — Lando W. Zech Jr., a retired vice admiral who commanded the Navy's first nuclear submarine, took a seat on the Nuclear Regulatory Commission Thursday through a recess appointment by President Reagan.

Zech, 61, was sworn in as the fifth member of the commission just one week after his predecessor complained that the White House is trying to ease regulations on the troubled atomic power industry by appointing nuclear advocates to key posts.

Victor Gilinsky, the commission's resident skeptic during the past decade, complained two days before his term expired last Saturday that "the deregulation process is going on through presidential appointments."

STAFF THIS ISSUE:
 (Editors)
 Lisa Carroll
 Joe Belcastro
 (TMIA Office Staff)
 Kay Pickering

York Daily Record • Saturday, July 7, 1984

THORNS: "GPU Nuclear Corporation announced today an accelerated schedule for the cleanup of Three Mile Island Unit 2" That's what the news release from GPU Nuclear said. Accelerated! According to the "accelerated" schedule, GPU will begin removing the radioactive fuel from the damaged reactor next July — more than six years after the infamous accident of March 28, 1979. The removal of all the radioactive material won't be completed until the third quarter of 1987 — eight years after the accident. That's acceleration!

Pre-accident refusal to shut TMI claimed

WASHINGTON (AP) — A Three Mile Island supervisor concerned about high reactor temperatures apparently tried to shut down the plant for valve repairs before the March 1979 nuclear accident, federal investigators said yesterday.

The Nuclear Regulatory Commission's Office of Investigations said it had developed "unconfirmed information" that the request was made and denied, and said further investigation of the matter may be warranted.

High temperatures and valve malfunctions at Three Mile Island also came up in transcripts of two closed meetings released yesterday by the commission.

Unit 1 decisions due soon — Page A2

The sessions centered on whether officials of General Public Utilities Corp., the plant owner, had improperly influenced changes in the drafts of an in-house accident report called the Keaten report.

One such change involved the Oct. 29, 1979, deletion of conclusions that Three Mile Island was operating in violation of valve emergency procedures for two months before the accident.

Several days earlier the commission had cited the plant operator on such violations, saying relief valves were left open as temperatures reached 180 and 200 degrees

even though they are supposed to be closed at 130 degrees Fahrenheit.

The plant operator eventually responded with a denial, leading investigators to believe the response was coordinated with changes in the accident report.

"The issue here then . . . is the question of a material false statement in response to the [notice of violation], based on whatever it was they knew on viewing an initial draft of the Keaten report . . ." Commissioner Fred Bernthal said in the transcript of a meeting on May 23 this year.

Part of the commission's inves-

tigation into the accident report has been referred to the Justice Department and scores of pages were deleted from the transcript. Investigators have not specified which part was referred.

Examining the alleged repair request, commission investigators said that a shift supervisor asked the Londonderry Twp., Pa., plant's load dispatcher for permission to shut Unit 2 to repair leakage shortly before the accident, and that his request was denied.

The investigators said the supervisor denied formally requesting a shutdown but told them he was concerned about the leakage level and may have orally suggested a shutdown.

York Daily Record • Wednesday, July 18, 1984

Lifting TMI-2 vessel head gets NRC nod

By MICHAEL ARGENTO
Daily Record staff writer

The Nuclear Regulatory Commission has approved removal of the head of the reactor vessel at Three Mile Island damaged unit 2 plant, it was announced Tuesday.

The head must be removed before radioactive fuel can be taken out of the reactor, damaged in March 1979 in the nation's worst accident at a commercial nuclear plant.

Plant operator GPU Nuclear Corp. submitted its plan to remove the head March 9. The NRC

said the plan can be carried out "with minimal risk to the health and safety of plant workers or members of the public living around the plant."

Removal of the head is a "significant step" in the reactor clean-up, according to Karl Abraham of the NRC.

GPU Nuclear spokesman Gordon Tomb said a tentative schedule called for removing the head sometime next week.

The company is allowing 48 hours for the operation, though it could take much less time, he said.

"This will give us the first ready access to the internal components of the reactor," Tomb said. Prior to this, access had been limited to instruments inserted through small holes in the reactor head.

Tomb said a shield would be installed as the head is removed to protect workers. An increase in radiation levels inside the reactor building can be expected, he said. But once the shielding is in place, the levels should return to normal.

Workers will not be exposed to levels of radiation in excess of government standards, according to an NRC report.

The report said there will be no danger to workers during the operation.

Removing the head involves using a "polar crane" that was the center of controversy last year. An investigation by the NRC showed there weren't any safety violations in the way GPU Nuclear tested the crane, Tomb said.

Head removal was scheduled for last June but pushed back by the controversy over the crane.

The current schedule calls for removal of radioactive fuel in July 1985, Tomb said.

The NRC report said the plan

to remove the head indicates the reactor coolant system will draw away heat generated by the radioactive material. It said the potential for a sustained chain reaction in the fuel is "very small."

The NRC also said the potential for the release of radioactivity to the environment is expected to be "in excess of the very small amounts currently being released."

But the report adds that the expected radiation levels are within those outlined in environmental impact studies conducted by the NRC.

THREE MILE ISLAND ALERT
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Permit No. 807

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