



—The Patriot, Harrisburg, Pa., Thursday, February 14, 1985

## NRC halts hearings, hastens restart vote

By MICK ROOD

WASHINGTON — A determined majority of the Nuclear Regulatory Commission has taken its most decisive step in more than five years toward allowing the restart of the Unit 1 reactor on Three Mile Island.

The commission yesterday voted 3-2 to order that "no further hearings are warranted within the restart proceeding."

The order cancels plans of an NRC licensing board to hold hearings this spring on one of the most controversial of TMI issues — the falsification of cooling water leak rate reports to the NRC at TMI Unit 2 in 1978-79.

It also ignores claims by Commissioners James Asseltine and Frederick Bernthal that new hearings on three other topics need to be held before GPU Nuclear Corp.'s request to renew operation of TMI Unit 1 is considered.

Chairman Nunzio Palladino said one step remains before a restart vote: Commissioners are expected to take several weeks to file written opinions with their votes on whether decisions on two completed licensing board hearings are needed before a vote.

Those hearings, held last year and early this year, concerned the current GPU Nuclear operator training program and the veracity of information provided by utility officials during the March 1979 Unit 2 accident in Londonderry Twp.

If the commission decides it does not need to wait on the decisions, a vote on lifting the August 1979 shutdown order of Unit 1 could be held next month. If the commission decides to wait for the licensing board's decisions, a vote is not expected until April.

For most opponents of the restart, however, the die is cast.

"It's outrageous," said Joanne Doroshow, a lawyer for Three Mile Island Alert, a party to the restart proceeding. "This was a de-



Nunzio Palladino  
"Get on with show"

facto vote for restart. They eliminated their biggest obstacle. They clearly have one agenda — to restart the plant."

Palladino, while he made a point of saying he had not decided on the second matter of waiting for board decisions, appeared resolved. He used phrases like "well, let's get on with the show" to describe his belief no further hearings are necessary.

While Palladino was firmly supported by commissioners Thomas Roberts and Lando W. Zech, Asseltine and Bernthal delivered lengthy critiques.

Asseltine said that without further hearings there was "not a sufficient basis to renew the license."

Bernthal said he believed there had been "sufficient changes in personnel and attitude at Unit 1 to preclude significant problems of

the past." But he voted against the order because much of the commission's consideration of the Unit 1 decision has been in private meetings.

The public "would accept and understand" an NRC decision if "all information" was on the public record, Bernthal said.

About 40 Harrisburg-area residents opposed to the restart attended yesterday's 90-minute session, and some of them interrupted the proceedings with applause for Asseltine's criticism of the restart procedure, impromptu statements and a brief demonstration.

Nine of the residents sporting T-shirts baring the letters spelling "NO RESTART" lined up at the side of the room during the discussion.

"We cannot proceed with a demonstration. . . . We must conduct the meeting with decorum. . . . Please take your seats or go to the back of the room," a visibly irritated Palladino said.

When the demonstrators refused, Palladino recessed the meeting for 10 minutes. The nine, who later sat down allowing the commission to resume, were Frances Skolnick, Mary Osborn, Frank Davis, Monique Ullom, Sean Downey, Betsy Epstein, Janine Ullom, Barbara N. Misicko and Joan M. Bellezza.

Because negotiations between commissioners continued right up until meeting time, a finished copy of yesterday's order was not available. But according to a brief summary provided by NRC spokesmen and the incomplete commission discussion, the order:

— Finds that the licensing board should issue its decisions on the GPU Nuclear Corp. training program at Unit 1 and accident

communications during the Unit 2 accident. No further hearings will be held.

Palladino and Zech said the training decision was most important, but the question of waiting on it will be answered in the second NRC order to come in several weeks.

— Substitutes for the hearings that were to be held on Unit 2 leak rate falsification "a new proceeding to consider what action to take concerning those individuals possibly involved." The order separates the leak rate episodes from the restart decision.

William G. Kuhns, board chairman of GPU Nuclear's parent company of General Public Utilities Corp., GPU President Herman Dieckamp and TMI Unit 1 manager of operations, Michael Ross, will not be subjects of the inquiry.

Palladino said the three had been cleared last year by the NRC's Office of Investigations and by former U.S. Attorney David Dart Queen. Queen guided a grand jury investigation which led to Metropolitan Edison Co. pleading guilty to one count of criminal misconduct and no contest to six others in the leak rate case.

— Entitles Charles Husted to request a hearing the commission said he should have had before an NRC appeals board ruled Husted could not hold a supervisory job related to operator training at TMI. Husted was accused of test cheating (but never formally found to have cheated) in 1981 and of not cooperating with NRC investigators.

— Requires that no pre-Unit 2 accident supervisory personnel be employed in key positions at Unit 1 without specific NRC approval.

— Orders GPU Nuclear to keep a three-member Nuclear Safety and Compliance Committee It has installed within its board of directors.

— Asseltine said new hearings should have been ordered by now on:

— Leak rate rigging at Unit 1, which NRC investigators and a GPU Nuclear consultant have claimed was so random and minimal that no misconduct was involved.

— Management's role in harassment of former senior engineer Richard Parks.

—Sunday Patriot-News, Harrisburg, Pa., March 17, 1985

## Clash generates plenty of steam Restart—

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By MICK ROOD  
Washington Bureau  
WASHINGTON — When its critics get tough, GPU Nuclear Corp. can get going, too.

Smarting over comments made last week by anti-nuclear attorney Joanne Doroshow about GPU Nuclear's testing and repair of TMI's Unit 1 steam generators, utility spokeswoman Lisa Robinson said: "When anyone makes such scurrilous comments, we want to have a chance to respond."

Doroshow, who represents Three Mile Island Alert in the Unit 1 restart case, had said the utility's proposal not to plug certain worn tubes in the plant steam generators meant GPU Nuclear "is in deep trouble." She accused GPU Nuclear of "getting desperate."

"TO ASSUME we're proposing anything unsafe is nonsense," Robinson said. "We are using state-of-the-art steam generator technology. It's another instance of fear-mongering and an effort to frighten the public. It's done by an organization that has an ulterior motive of wanting to block the restart of Unit 1."

It was one of the sharpest rebukes the utility has issued in reaction to restart criticism.

With the NRC showing every sign of wanting to settle the restart question this spring — six years after the accident that crippled TMI Unit 2 and stalled Unit 1 until safety changes could be made — handling of the steam generator repairs is a sensitive area.

The NRC staff will decide, perhaps yet this month, whether to approve the technical specification change or whether the proposal constitutes a license amendment requiring a time-consuming safety hearing.

**CURRENT SPECIFICATIONS** require GPU Nuclear to plug (take out of service) generator tubes with cracks or pits penetrating 40 percent or more through the tube walls. The utility said microscopic pits caused by metal fragments are the only defects showing up now.

As long as that kind of "degradation" stretches less than one-eighth around a tube circumference, the requirement should be loosened to allow 70 percent wear of the tube wall without plugging.

If approved, the change would spare GPU Nuclear the task of plugging about 200 tubes and perhaps hundreds more in the future.

B6—The Patriot, Harrisburg, Pa., Thursday, February 28, 1985

## NRC members issue order explaining views on restart

By MICK ROOD

WASHINGTON — Nuclear Regulatory Commission members yesterday issued an order explaining why a 3-2 majority believes the Three Mile Island Unit 1 reactor should be restarted without prolonging the nearly 6-year-old proceedings.

The lengthy NRC order was released to justify the decision reached at a Feb. 13 meeting that no further TMI-1 hearings should be held.

"We need not be apologetic to anyone on the efforts this agency has made over these six years to

have identified and adjudicated all relevant, significant, disputed issues," said the majority — Chairman Nunzio Palladino, Lando W. Zech and Thomas Roberts.

"Holding 'trial' when none are required is not, in our judgment, a responsible regulatory action," they said.

In countering, NRC members James Asseltine and Frederick Bernthal said that while the TMI Unit 1 case has been lengthy, it has not been thorough.

"By its decision today [Feb. 13] the commission has violated the trust of the people of central Pennsylvania," Asseltine said.

management of Unit 1 was different and improved over the personnel who managed Unit 2 at the time of the March 28, 1979, accident in Londonderry Twp.

Palladino, Zech and Roberts said that only one Unit 1 manager who had any connection with the Unit 2 accident is still involved with Unit 1 now. They said Michael Ross, manager of Unit 1 op-

"While I can appreciate and respect the position of my colleagues, who believe no further hearings . . . are either required or appropriate, I believe that the path they have chosen is unwise and ill-advised," Bernthal said.

Asseltine and Bernthal want more exhaustive hearings before the TMI Unit 1 decision is made:

— On TMI Unit 2 and Unit 1 falsification of coolant water leak rates in 1978-79.

— On why the NRC staff has changed its mind twice about the management competence of GPU Nuclear Corp. to operate Unit 1.

erations, had been shown not to have had any connection with leak rate falsifications at Unit 2.

Asseltine says further hearings on the falsification issue should be held before a Unit 1 decision in order to determine whether high officials of General Public Utilities Corp., the TMI parent company, had any knowledge of the infractions.

— On the harassment of former TMI Unit 2 senior engineer Richard Parks and on the substance of his safety allegations in the Unit 2 cleanup operations.

The 3-2 majority of the commission has said it has not prejudged the Unit 1 restart issue. However, in yesterday's order they made it clear that the new

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## Governor wants ban on TMI hearings lifted

WASHINGTON — Pennsylvania Gov. Dick Thornburgh yesterday said the Nuclear Regulatory Commission order ending further Three Mile Island Unit 1 safety hearings should be "reconsidered and reversed."

The NRC action set up machinery that could allow a restart vote in March or April, a prospect opposed by Thornburgh, Pennsylvania Sens. John Heinz and Arlen Specter, and area congressmen.

"I continue to oppose the scheduling of any Unit 1 restart vote until the NRC has satisfactorily resolved the safety issues raised on numerous occasions by this administration and by other parties as well," the governor said in a statement.

Thornburgh called it "inconceivable" that Pennsylvanians would believe their safety was ensured if the NRC "separates issues of restart safety from the restart decision itself."

If that is the effect of yesterday's action, "it should be reconsidered and reversed."

The commission's order precluded hearings on cooling water leak rate falsification at TMI Unit 2 that an NRC licensing board had planned to hold later this spring. An NRC appeals board in Washington had ordered the hearing be held in May 1984.

Last August, Thornburgh included the leak rate hearings on a list of conditions he would put on allowing a Unit 1 restart vote.

In place of the hearings, the NRC said it would institute a new, but undescribed proceeding that would examine the conduct of individual Unit 2 utility employees during the 1978-79 record falsification episode. The inquiry into individuals' conduct would be separated from any Unit 1 restart vote.

TMI 'burns'

# TMI punitive-damage suits allowed by judge

By CHUCK MUIR  
Staff Writer

A federal judge, in a precedent-setting decision, has ruled that punitive damages can be sought by people alleging personal injuries as a result of the 1979 nuclear accident at Three Mile Island.

Judge Sylvia H. Rambo's opinion expands the liability of nuclear plant operators under the federal Price-Anderson Act to include more than damages for actual losses such as medical expenses.

General Public Utilities Corp., Metropolitan Edison Co. and other

defendants in the TMI suits had argued that their exposure under the act was limited to such actual loss — compensatory damages.

Price-Anderson created a \$560 million insurance fund — underwritten by nuclear utilities — to compensate nuclear accident victims, but the intent of Congress was fuzzy on whether that included punitive awards.

Punitive damages are intended to punish defendants for outrageous conduct and to deter others from doing the same.

Rambo found the basis for her

opinion in a U.S. Supreme Court decision a year ago that upheld a \$10 million damage award to the estate of Karen Silkwood. Her contamination as a plutonium plant worker in Oklahoma was featured in the hit motion picture "Silkwood."

TMI defendants argued that the Silkwood case did not pertain to them because it was not filed under the Price-Anderson Act, and the Kerr-McGee plutonium facility was not covered by the act at the

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# Pair file suit over

By HARRY McLAUGHLIN  
York Bureau

YORK — William Peters and his wife, Daria, say they have gone through agony since the Three Mile Island accident on March 28, 1979. No day goes by, they say, that they aren't reminded of the accident.

The couple, who live at 432 Big Springs Road in Fairview Twp., have filed a suit in York County Court, claiming damages due to personal injuries, against General Public Utilities Corp., Metropolitan Edison Co., Babcock and Wilcox Co., and others associated with management of TMI or con-

struction of Unit 1 and the damaged Unit 2.

The preliminary suit document is on file at the York County prothonotary's office.

"My wife and I were both burned by radiation and we both had blisters resulting from it," Peters said in an interview.

Peters, 48, said he and his wife, 44, can support the "burn-blisters" claims with medical documentation, but refused to identify examining doctors.

He said there was "a radiation plume overhead" after the accident.

"[The plume] and its radiation not only injured us, but it killed animals, birds and vegetation," Peters said.

Why did the couple wait so long to file a suit against GPU and the others?

"I'm not sure how I can answer the question. We thought about it for a long time, and last year we decided we should try to recoup losses we suffered by the accident and injuries," Peters said.

They hired attorney Joseph F. Roda of Lancaster, who refused to discuss his clients' case with a reporter. Between two separate interviews (one by telephone and one in person) with the couple, Roda advised them not to talk about the case with anyone.

"There's so much to say about what happened to us and others because of the TMI accident, but our attorney said we shouldn't discuss the details," Peters said.

The couple did talk about some of their experiences, in an earlier interview with ABC-TV, which Peters said will be part of a documentary on nuclear energy to be shown nationally in June.

"We [he and his wife] are not part of any anti-nuke group and we are not anti-nukes," Peters said. They do oppose the reopening of TMI, though.

Peters is a former justice of the peace. He had been a professional car racer and sold race cars and other vehicles. He also operated an automobile body shop, but is now in semiretirement.

# Ruling

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time of Silkwood's exposure in 1974.

In reviewing the Atomic Energy Act as it pertained to the Silkwood case, the Supreme Court majority "interpreted" the legislative history of Price-Anderson amendments to "permit the recovery of punitive damages," Rambo noted.

Were it not for the Silkwood decision, Rambo said she might have agreed with the TMI defendants that they were not liable for punitive damages under Price-Anderson. She said she cannot ignore the clear implications of the Supreme Court decision.

Her ruling, issued late Tuesday, will bear on those suits that do go to trial, and possibly, to some degree, on settlement negotiations that obviously are taking place. It

would not affect about \$4 million in settlements recently approved by Dauphin County Court.

Her decision, which opens the door for plaintiffs to seek more than actual losses, is not a voucher to collect punitive damages. They still will have to prove at trial that the defendants acted with wanton and reckless disregard for public safety.

All damages, compensatory and punitive, could not exceed the \$560 million fund set up under Price-Anderson, and actual losses would be given precedence in the unlikely event total awards ever exceeded the fund.

In a related matter, Rambo has signaled her intent to comply with an appellate court decision by transferring or remanding 27 personal injury suits, involving an unknown number of plaintiffs, to

state courts in Dauphin, Adams and Lancaster counties.

The parties involved have 20 days in which to show why that should not be done in light of a 3rd U.S. Circuit Court of Appeals decision denying the district court jurisdiction over those cases.

Rambo has declared that she is retaining jurisdiction over 25 suits of multiple plaintiffs. Those cases were unaffected by the circuit court's ruling.

The appellate court denied federal jurisdiction over suits begun after April 16, 1980 — the date the Nuclear Regulatory Commission decided that the TMI accident was not an extraordinary nuclear occurrence.

It was so labeled before then, and suits filed prior to the NRC decision are properly before the

district court under provisions of the Price-Anderson Act.

Some due to be remanded or transferred may have been included in approved settlements.

Twenty-five suits would go to Dauphin County Court, while county courts in Lancaster and Adams counties would get one each — both involving alleged tourism losses.

Rambo yesterday dismissed four other TMI personal injury suits at the request of counsel for plaintiffs and defendants. It would appear settlements have been reached in those cases.

The insurance companies that underwrote the settlements already approved in Dauphin County Court predict that a "great majority" of the 300 personal injury claims will be settled.

-The Patriot, Harrisburg, Pa.

Wednesday, March 13, 1985

# Ex-operator at TMI fined for cheating

By CHUCK MUIR  
Staff Writer

A federal judge yesterday assured James R. Floyd that he would not be the "scapegoat" for problems at Three Mile Island, then fined him \$2,000 for criminal conduct as a TMI senior plant operator.

A jury convicted Floyd in November on charges stemming from his cheating on tests in 1979 to requalify as a TMI operator. He is the first person nationwide to be prosecuted for criminal offenses at a nuclear facility.

Judge Sylvia Rambo did not respond to what seemed a request by U.S. Attorney James West for a harsher penalty — one that would be an "adequate deterrent" for other nuclear operators.

Rambo said the "severe consequences" of Floyd's ruined career as a nuclear engineer were "perhaps" the "most appropriate penalty in this case." His conviction already has cost him a job.

His prosecution alone has been a "deterrent" to him and others in the nuclear field, she said.

Rambo ordered Floyd to serve two years' probation and to provide 400 hours of community service work to those whose lives were affected by the TMI-2 accident five years ago.

Floyd, who left TMI in April 1983, lost a nuclear consultant job in Arkansas after being found guilty on two counts of submitting false statements to the Nuclear Regulatory Commission.

He was supervisor of operations at TMI-2, in overall charge of keeping the crippled plant as under control as possible, when the cheating incident occurred in the summer of 1979.

Defense counsel William J. Fulton said it not been decided whether to appeal the conviction. He claims that Floyd wasn't alone in cheating, and was singled out for prosecution as a manager who did what he did in plain view of his superiors.

Commenting on sentencing factors, Rambo said it became "evident" during trial that "more responsible action by others may have prevented this prosecution." She did not elaborate.

West, interviewed later, said the sentence was "appropriate." He had appeared to be pressing for a tougher penalty. He stressed to the court that Floyd had cheated on matters dealing with public



James R. Floyd  
Fined \$2,000, put on probation

safety and "safe operation" of TMI.

Floyd, 48, faced maximum penalties of 10 years in prison and fines of \$20,000 on the two counts for which he was found guilty.

Fulton argued that Floyd's case already had delivered an industry-wide warning. It has been widely publicized in trade journals. "The word is out," he said.

Fulton also observed that the NRC recently proposed amending regulations to make it clearer that operator cheating might be treated as a crime. He said Floyd was not aware of that in 1979.

Outside the courtroom, Fulton said it was never clear under TMI's internal rules that Floyd could not get help to complete a take-home exam. Floyd used answers from another operator, unbeknownst to that person, to complete such an exam.

Before the court and later, Fulton again noted that other operators apparently had cheated on monitored exams and have not been prosecuted. He said the NRC regulation change appears prompted by a half-dozen reports of operator cheating at TMI.

A federal grand jury reportedly is probing TMI operator cheating in 1981. West declined to confirm or deny that.

Floyd was a big and easy target, Fulton said, because he was part of management and candidly admitted what he did.

York Daily Record • Thursday, February 21, 1985

# Suit seeks \$7 million from TMI

By MICHAEL ARGENTO  
Daily Record staff writer

The parents of a 7-year-old Ethers girl with leukemia have filed a \$7 million suit claiming that their daughter's illness was caused by radiation released during the Three Mile Island accident.

The suit, filed by James T. and Teresa Brannon, of Ethers RD 2, is one of hundreds that have been filed since the March 1979 accident at TMI.

In a one-page document filed in Dauphin County Common Pleas Court, the Brannons charge that their daughter, Jennifer, developed leukemia because of radiation released during the accident.

Miss Brannon was diagnosed as having the blood disease in February 1983, according to the document.

Defendants in the suit include plant owner General Public Utilities Corp. and plant manufacturer Babcock & Wilcox Corp.

Details of the Brannon's claim were not available. The one-page document filed with the court merely names those involved in the suit and the amount of money sought.

Brannon refused to comment, referring questions to his attorney.

His attorney, Dusan Bratic, who practices in Dillsburg and has been active in other litigation surrounding TMI, said a complaint detailing the suit's charges will be filed in about a month.

# TMI

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ny's \$4 billion claim because of a well-established exception to damage suits against federal regulatory agencies.

Such agencies are exempt from paying damages, even if negligent, when they are carrying out "discretionary functions," such as regulating nuclear plant safety, the 3rd Circuit Court of Appeals in

-The Patriot, Harrisburg, Pa., Wednesday, February 20, 1985

# GPU loses bid to sue U.S. for \$4 billion

By MICK ROOD  
Washington Bureau

WASHINGTON — General Public Utilities Corp. lost one case and suffered a setback in another when the U.S. Supreme Court yesterday refused to hear two Three Mile Island-related petitions.

The Parsippany, N.J., holding company clearly lost when the high court let stand lower court rulings that GPU could not sue the federal government for damages arising from the TMI Unit 2 accident in Londonderry Twp. in March 1979. GPU had sought \$4 billion for the Nuclear Regulatory Commission's alleged negligence before the accident.

"We pursued the case to its ultimate conclusion," said Gary Plummer, GPU media relations director. "The Supreme Court has ruled. The matter is closed."

In the other case, GPU, its utility subsidiaries and contractors had said ratepayers seeking to recover bill increases for replacement power and Unit 2 cleanup costs should petition in federal courts. But the Supreme Court let stand a lower court decision saying the ratepayers belong in Pennsylvania courts.

The ratepayers who sued are customers of GPU subsidiaries

Metropolitan Edison Co. and Pennsylvania Electric Co. in Pennsylvania, and Jersey Central Power & Light Co. in New Jersey. Arnold Levin, a Philadelphia lawyer, estimated he represented "at least 100,000" ratepayers in both states.

GPU lawyers argued that accident-related increases in rates would be more than \$1 billion. Such claims should be pursued in federal courts under the federal Price-Anderson Act, they said.

Levin said in a brief that his clients sought "only those damages for increased utility rates which were directly attributable to the negligence and culpability of the defendants and which have been passed on by regulatory agencies to the ratepaying public." Such a contention could be capably settled in state courts, Levin said.

In an interview yesterday, Levin said the \$1 billion-plus estimate was "used to scare the court." Levin expects the cases to be remanded to a state court, probably in Dauphin County, the county of jurisdiction.

A GPU spokesman in Parsippany did not comment on the ratepayer ruling.

In the other case, a lower court had refused to consider the com-

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Philadelpha ruled last year.

The Supreme Court refused to consider GPU's challenge of the exemption.

Jeffrey Axelrad, head of the tort claims branch of the Justice Department, has called the money award sought by GPU the largest of its kind against a government agency.

GPU claimed that because NRC officials failed to pass on in-

formation about a near-accident in 1977 at the Davis-Besse nuclear plant in Ohio, the agency was negligent. Had GPU's Metropolitan Edison personnel at TMI Unit 2 been aware of the Davis-Besse incident involving a stuck-open coolant valve, they would have been able to prevent the TMI accident, the company said.

# PUC to investigate Met-Ed rate-hike requests

Met-Ed's request for \$27.5 million in annual net earnings would raise monthly bills of an average customer who uses 500 kilowatt hours of electricity from \$47.13 to \$51.82 — an increase of about 10 percent.

Met-Ed officials said about \$7 million of the request is for depreciation of Unit 1 at the Three Mile Island nuclear power plant while another \$15 million is for improving the reliability and efficiency of the Titus and Portland coal-fired generating stations.

The remainder is to meet higher operating expenses.

As in previous filings, Met-Ed is including rate changes related to the restart of TMI Unit 1. However, those changes — previously approved the PUC — would go into effect only when the unit is returned to operation.

With Unit 1 in operation, base rates would be allowed to rise by \$23.6 million but the energy cost rate would drop by \$80.4 million, meaning a net monthly savings of \$3.83 for the average customer.

Met-Ed serves about 380,000 customers in 14 Pennsylvania counties.

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# 'Concerned Scientists' give NRC 10th anniversary blast

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to cases.

But in reference to the Three Mile Island Unit 1 restart case, Weiss said NRC inefficiency or machinery was not the issue. Rather, she said, the fault was that a majority of the commission "never seriously considered saying 'no'" to renewing the operating license of Unit 1 operator GPU Nuclear.

"Every time the decision became ripe and it appeared the answer should be 'no,' the commission backed away from a decision," Weiss said.

Pollard said the commission is supported by a staff "who are the very same people who hid safety problems from the public" at the NRC's predecessor agency, the Atomic Energy Commission. Steven Sholly, a Pennsylvanian who works at UCS, noted that Palladi-

no had sent an anniversary memorandum around to NRC personnel that pointed out that two-thirds of those employed at the NRC in 1975 are still there.

The UCS report breaks down its analysis of the NRC by alleging shortcomings in resolving safety issues, allowing public participation, enforcing regulations and keeping an arm's length from the nuclear industry.

According to UCS, one of several TMI-related shortcomings at the NRC is the agency's handling of steam generator repairs at TMI Unit 1.

The NRC allowed Unit 1 generator leak repairs to proceed without approval of an amendment and without hearings, even though its staff once recommended a license change approval.

—The Patriot, Harrisburg, Pa., Tuesday, March 5, 1985

# GPU wants generator rules eased

By MICK ROOD  
Washington Bureau  
WASHINGTON — GPU Nuclear Corp. has asked the government to let it test and later operate steam generators at Three Mile Island Unit 1 without plugging hundreds of worn generator tubes as plant technical specifications require.

GPU's request for Nuclear Regulatory Commission approval apparently constitutes a policy change. Late in November GPU Nuclear had said it would plug all generator tubes found to be defective after further testing.

GPU Nuclear first discussed a less restrictive plugging standard with the NRC technical staff three weeks ago, but it did not notify the commission or parties to the TMI Unit 1 restart case. The NRC staff, which hopes to decide on the GPU Nuclear request by April, began alerting the commission and parties involved yesterday.

The GPU plan suggests the two Unit 1 generators still pose thorny safety problems for the restart of Unit 1 at the Londonderry Twp. nuclear plant and the potential for less than efficient operation if the NRC eventually approves restart.

"It indicates GPU is in deep trouble over these generators," said attorney Joanne Doroshov of TMI Alert Inc., which is the intervening party that has specialized in the generator issue. "It seems to me they're getting desperate."

Doroshov said the utility's proposal is more than a technical specification change that can be left to the NRC staff to pass on.

She plans to request a hearing on the basis that safety issues involved require a change in GPU Nuclear's operating license.

The company contends that recurrent tube defects found during periodic testing are under control in the generators, which function as radiators to circulate water to cool the reactor's primary system.

GPU Nuclear President Philip R. Clark described in general terms the company's proposal in written testimony submitted to the Public Utility Commission early last month. The PUC is considering a rate increase request from Metropolitan Edison Co. and Pennsylvania Electric Co., which own TMI Unit 1 along with Jersey Central Power & Light.

Harley Silver, NRC project manager for TMI Unit 1 steam generators, said if GPU Nuclear's proposal is approved, "it would be precedent-setting for all plants" because it would allow less plugging of certain kinds of worn generator tubes.

Each generator contains 15,531 tubes that are 56 inches long and 0.034 of an inch thick. The question is how thick the tube walls should be to guard against ruptures or leaks — the types of multiple failures that could cause a nuclear plant accident.

GPU Nuclear spent \$40 million on a controversial method of repairing the tubes after massive chemical corrosion was discovered in 1981. On several occasions since then — the latest in November 1984 — the company has discov-

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ered more cracks and dents requiring the plugging of hundreds of tubes in both generators.

Under technical specifications developed a decade ago, the utility is required to plug, or take out of service, any tube that has circumferential cracks that thin the tube wall more than 40 percent. GPU Nuclear has proposed to the NRC that plugging not be required where degradation up to 70 percent has occurred for cracks or pits less than one-eighth of the circumference of the tube.

Clark told the PUC the "revised criteria" would allow the company to plug 103 out of 327 tubes discovered since November "to have greater than 40 percent through-wall indications of material degradation." That also would apply to such defects in the future.

GPU Nuclear spokeswoman Lisa Robinson said most of the tube degradation being discovered involves "tiny pin holes" caused by "metal grains from previously existing defects."

Robinson said, and the NRC's Silver confirmed, that "bubble" and "drip" tests this week have shown "no further degradation." Those tests are less rigorous than the "eddy current" testing that detected the 327 defective tubes in

November.

The company also has proposed that non-nuclear, hot functional testing be done as soon as possible under the new plugging rules. But new eddy current tests would not be conducted until from three to six months after Unit 1 restart is approved, if it is approved.

Silver, while saying the revision would be "significant," added that GPU Nuclear "may be right when they argue their criteria would allow deeper, shorter defects that are no worse than shallower, circumferential defects."

In answer to written questions from the Patriot-News, Robinson said on Feb. 6 that "The NRC has been made fully aware of the status of the TMI-1 steam generators by both written and verbal reports. The defect indications observed in late November are indicative of small defects which do not pose a safety hazard."

She said this week that 1,009 tubes in the "A" generator and 300 tubes in the "B" generator have been plugged due to defects. Clark told the PUC that as a practical matter, GPU Nuclear might have to operate Unit 1 at less than capacity if 3,000 tubes — no more than 2,250 in one generator — had to be plugged.

Robinson said there is no specific limit of tube pluggings at which the NRC would deny restart of Unit 1.

NRC Inspector Richard Conte in the agency's Unit 1 office in Middletown confirmed that, but said, "The NRC's safety concern is that with the additional blocking of tubes, you're going to lessen the reactor coolant system flow of water in the reactor."

While the NRC pursues the safety aspects, Clark was asked during the Met-Ed rate-making proceeding for economic reasons by the Pennsylvania Office of Consumer Advocate.

Assistant Consumer Advocate Scott J. Rubin said his office wanted to know whether GPU Nuclear was attempting to recover TMI Unit 1 generator repair costs from ratepayers. The company is not, Rubin learned.

He said GPU Nuclear is waiting to see if insurance will pick up the tab. If it does not, the consumer office would want to guard against any attempt to charge the costs to ratepayers, Rubin said.

Beyond that, if the tube plugging eventually affects plant capacity of Unit 1 if it is restarted, Rubin said that could reduce rate savings to customers.

# TMI's problems demand extraordinary response

Today in Washington the Nuclear Regulatory Commission is scheduled to take a vote on the future of the Three Mile Island Unit 1 reactor. As a measure of the complexity of the entire TMI matter, and the Byzantine manner in which it has been handled administratively, today's scheduled action is supposed to be a vote on whether to vote to restart Unit 1, idle since the 1979 accident at TMI Unit 2.

The commission has several options, including postponing any action, as happened the last time a vote-on-the-vote question was scheduled. But basically, the choices before the commissioners are (1) to wait for the completion of all the safety investigations it ordered before determining whether Unit 1 can be operated again, or (2) to authorize Unit 1's restart before the outstanding questions are resolved.

If the NRC decides to proceed with the restart vote, it would be conceding what many already believe: that the TMI inquiry is a waste of time, a public-relations ploy that, in the final analysis, is meaningless. If the results of the safety investigations have no bearing on the NRC decision, why were they undertaken?

GPU Nuclear, the utility that operates TMI, maintains it has corrected the deficiencies that led to the 1979 accident. The company maintains it has brought in new management that better understands the process — and the inherent dangers — of generating electricity from the atom.

Those contentions are open to serious question. Nothing substantive appears to have changed at TMI. And responsibility for that rests squarely with the NRC.

On Sunday, Monday and yesterday, The Inquirer published a series of articles detailing the cleanup efforts at TMI Unit 2. That series, written by Susan Fitzgerald and Jim Detjen, documented gross negligence by those responsible for ridding the reactor of its deadly contamination. It described a cleanup operation in which safety has such a low priority that hundreds of workers have needlessly been exposed to radioactive contamination.

The series documents more than that: It provides overwhelming evidence that the same mindset that led to the 1979 accident prevails at TMI today. Those responsible for regulating nuclear power and for protecting the public from its hazards fail to recognize that even very low levels of radiation can be dangerous and, as a result, every activity in a nuclear plant demands extraordinary precaution. Such a commitment to safety does not exist at TMI or the NRC.

TMI officials assert the current cleanup operation is no different from "normal industrial work" and is "not considered hazardous as such." That attitude has set the tone for an operation in which workers are denied adequate protective equipment, in which safety concerns among workers are squelched and in which those protesting unsafe practices are subject to harassment and retribution.

Other estimates of the health hazards are quite different from GPU's. The NRC estimates that between two and six workers will die of cancer as a result of their exposures. Some of the nation's foremost radiological experts

assert that as many as 50 workers may die because of TMI, and genetic problems may haunt workers' offspring.

The fact of such disparate assessment of the final human toll of the TMI accident says more about the need for extreme caution than any statistic.

The most dangerous aspect of the cleanup is scheduled to begin this summer: removal of the damaged reactor fuel. The numerous worker exposures to radiation recorded to date — with a few exceptions — have not involved the deadliest of the radioactive debris or the most complex of the cleanup tasks. That awaits the workers this summer.

In the aftermath of the TMI accident, a special presidential commission was formed to investigate the events and the adequacy of NRC regulation. A similar, extraordinary response to operations at TMI is warranted again.

That should be apparent to everyone concerned with the future of nuclear energy in this nation — those who believe it must be developed as well as those who oppose it. If the atom is to be an accepted energy source, it must be managed as the dangerous thing it is. The Fitzgerald-Detjen series revealed that such caution and care are lacking at Three Mile Island.

Given this record, can the NRC possibly render a decision in the TMI matter that will be accepted by the public? The mere fact that the commissioners might vote on restarting Unit 1 before having all the evidence at hand should dispel any doubts in that regard. The fact also that the NRC administrative law judge hearing the Unit 1 case wrote a letter on behalf of a GPU employee convicted of cheating on an NRC licensing exam makes the need for an independent fact-finder and decision-maker even more compelling.

Anything less would only ensure that the lawsuits and public protests over TMI will mount, delaying any prompt cleanup.

There must be one other response to the situation at TMI. At present, no records are maintained about radiation exposures after workers leave TMI. GPU officials have opposed the creation of such a registry, and the NRC has not insisted on it. The lack of such a record will, in fact, ensure that no one will ever know the final consequences of the accident. And that injured workers will be denied benefits due them.

The National Institute of Occupational Safety and Health should undertake an immediate survey of workers at TMI and attempt to trace those who have left to develop a registry for the future. That would be an invaluable record for everyone.

—The Patriot, Harrisburg, Pa., Tuesday, March 5, 1985—

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## ● SKIN CONTAMINATIONS — NOT ROUTINE, NOR DANGEROUS —

Skin contamination typically occurs when radioactive material penetrates protective clothing and adheres to a worker's skin. As we told The Inquirer's reporters, there were 593 instances of skin contamination at TMI-2 since the 1979 accident through 1984. They account for the hundreds of workers The Inquirer said "have routinely become contaminated with radioactive materials" during the cleanup. Skin contaminations, however, are not routine at TMI-2. Their frequency has been only one for every 1,000 person-hours of work in contaminated areas, less than at most operating nuclear plants.

And the contamination is not dangerous. It normally is washed off with soap and water. Typical doses are less than one millirem to a small portion of skin. In its 1980 report, the National Academy of Science's Committee on the Biological Effects of Ionizing Radiation (the BEIR Committee) found no skin-cancer deaths in radiotherapy doses one million or more times higher. Most skin contaminations could be prevented by extra layers of plastic clothing. But that would increase a worker's susceptibility to heat stress, which our independent Safety Advisory Board and other experts agree is a greater hazard than skin contamination. The Inquirer didn't tell you that.

# Middletown remains concerned by TMI

By PETER KELLEY  
Staff Writer

Worries caused by the accident at Three Mile Island linger years later, two local college professors have found from a survey of Middletown residents.

Their findings agree with the 1982 work here of another researcher, Andrew Baum, a Bethesda, Md., health psychologist. He suggested that psychological effects last longer after man-made disasters involving pollution than that from natural disasters in which the danger passes.

Many residents feel they lack control over their lives, the professors told 40 colleagues and students yesterday at Pennsylvania State University's Capitol Campus. And half say they have lost faith in "experts" they once trusted to make complex decisions on their behalf.

"There was a poignancy to their recollections of the accident that led me to think something more had happened, like a profound jarring of their world view," said Dr. Sandra Prince-Embury, a Capitol Campus psychologist and one of the researchers.

"It was a loss of a sense of control, a loss of one's basic sense of vulnerability that was an important part of pre-disaster coping," she recalled from the survey, done in the spring and summer of 1983, four years after the accident.

Her prescription: A unique adult education course that on 12 Thursday nights would bring together leading researchers on radiation, cancer and public health so anyone could ask them questions.

The course is scheduled to start free of charge at 7 p.m. Feb. 28 in the multipurpose room at Capitol Campus. But Prince-Embury still doesn't know if it will come off — the funding has been held up by objections to some of her more controversial speakers.

Prince-Embury has asked for \$18,900 from the TMI Public Health Fund to pay for videotaping, speakers' fees, travel expenses and administrative costs.

The objections came from Philadelphia lawyers, representing insurance companies that spent \$5 million to settle claims by setting up the fund in 1981.

Under the rules, lawyers for the insurance companies and the people whose lawsuits led to the fund get to comment on how the money is spent.

The final decision belongs to U.S. Middle District Judge Sylvia Rambo, in whose court the fund was arranged.

On Jan. 29, Rambo wrote Prince-Embury that she had not ordered funding yet because "another impediment" had come up: The lawyers' "strong objections."

Alfred Wilcox of Philadelphia, who represents the insurance companies, explained last night: "To preserve the neutrality of the fund, we feel it should distance itself

**The Patriot, Harrisburg, Pa.**  
Friday, March 15, 1985

## GPU complaint

EDITOR:

IF GENERAL Public Utilities has a complaint that some information was omitted from its story on TMI, then what about the residents (votes) who voted against opening TMI? Does GPU feel that these people have a gripe?

What about the former chairman of the TMI advisory panel who resigned from this panel because GPU (and NRC) paid no heed to this panel?

The same day this ad was printed in the paper the present chairman of the TMI advisory panel complained on a television news show that GPU Corporation was not paying the fines that the NRC had levied on this utility. That information coming from GPU reached the advisory panel at a very slow pace.

If GPU was lily-white and has the cleanup situation under control then why complain about the press? There really should be no problem.

We want to go on record to say that we praise the news media for the reporting about TMI as accurately as they have. Without the news coverage how would we have been able to get this information?

We are grateful to the press and news media for a job well done. Thank you.

—Al Manik,  
Middletown

from parties to litigation or experts they retain."

He claimed David Berger, a lawyer for those who brought the lawsuits, agreed with his suggestions that the speakers be dropped. Berger could not be reached for comment.

In response, Prince-Embury has agreed to drop four speakers — including Marjorie Aamodt, who with her husband, a Lancaster County farmer, has launched a new effort to prove that a spate of cancer cases followed the TMI accident.

The others who have been asked not to come are Dr. James Gunckel, a botanist and professor emeritus of Rutgers University; Dr. Bruce Molholt, a geneticist and adjunct professor at Temple University, and Bernd Franke, a West German physicist who is a consultant to the TMI Public Health Fund.

Prince-Embury, still waiting yesterday for word on funding, would not criticize those who pressed for changes in her course.

"All I can see right now is getting the information to the people who need it," she said. "Both because they were in pain and because they were not being understood, they grabbed my attention."

Dr. James F. Rooney, the sociology professor who launched the survey with Prince-Embury, listed some of their main conclusions:

—As a group, Middletown residents in 1983 listed nuclear power fourth among the world's social problems, behind unemployment, crime and war.

— The issue of restarting the Unit 1 reactor continues to split them down the middle, with 46 percent in favor, 51 percent opposed and the rest giving no opinion.

— Knowing whether someone in Middletown is liberal or conservative does not help predict how they feel about nuclear power.

— Parents with children at home are more likely than others to oppose nuclear power and the Unit 1 restart. That cannot be said of any other group in the Middletown population.

— By majorities of 2-1 or more, Middletown residents worry about a future accident at TMI, worry about radiation releases during the cleanup of Unit 2, and worry about getting cancer or other diseases as a result. Residents during the accident and newcomers feel about the same.

## Fear of TMI

EDITOR:

YOUR EDITORIAL of March 4th, TMI "fear-mongers" acknowledges "... that considerable public concern exists surrounding the possible restart of the undamaged nuclear reactor at Three Mile Island", but deplores "... using fear to arouse the public."

The Nuclear Regulatory Commission has as its primary responsibility, "... to protect the public health and safety from the potential threats posed by the operation of nuclear power plants." But the NRC has not met that responsibility. Hence, the fear that caused many thousands of us to flee our homes after the TMI accident, not knowing if or when we would be able to return, cannot be allayed by ignoring it.

In its current issue of "Nucleus," the Union of Concerned Scientists reviews NRC operations, saying, "The TMI accident jolted the NRC into proposing a myriad of tangible safety improvements, yet the reforms were insufficient and fleeting. Some changes in attitude were evident in 1979-1980, but the momentum for positive change had dissipated by 1981."

UCS concluded, "Without major changes in the attitudes and procedures of the NRC, we are pessimistic that it can meet the challenge of regulating nuclear power in the 1980s and 1990s."

Obviously, public concern (fear) persists, the GPU public relations program notwithstanding. There should not be a restart of Unit 1 unless and until safety issues are resolved to the satisfaction of the public.

—Milton Lowenthal,  
Harrisburg

The writer is chairman of the Central Pennsylvania chapter of the Union of American and Japanese Professionals against Nuclear Omnicide.

# the FORUM

## TMI concern is valid

EDITOR:

IN YOUR March 4 editorial about the anti-restart rally at TMI, you referred to comments made by two of the speakers as hysterical claims and categorized those speakers as "fear-mongers." I take issue with that categorization and feel that the root of the problem is not what they said but what the media has failed to say over the last six years.

The speaker who tossed apples was certainly being dramatic. All good speakers are. However, when your editorial referred to the meltdown he was portraying as an "incident that didn't even occur, that may have been improbable," you were ignoring recent disclosures that uranium did, in fact, melt during the accident. Local anti-restart groups have maintained for years that this had probably occurred but GPUN had maintained that such claims were hysterical. Considering the inept response to the accident by plant operators and their criminal conduct which directly contributed to the accident, it is apparent that pure dumb luck was what prevented the further meltdown the speaker described. I hope the editors of the Patriot realize that the plant was indeed within minutes of that catastrophic event.

You also criticized the speaker who "urged area residents to monitor their health and, in the process, associated the 'survivors' of TMI with the survivors of Hiroshima." Understand this — residents around TMI were exposed to dangerous levels of radiation. It has long been obvious that the dose assessments of GPU were pure garbage. Independent studies indicate radiation releases many times what GPUN claims. For instance, a study commissioned by the TMI Public Health Fund concluded that over 11 million curies of radiiodine are unaccounted for and that estimates of whole-body population doses for short-lived radioisotopes vary from 276 to 63,000 person-rems. What the speaker was noting was that scientific studies indicate that more people suffered health effects from radiation at Hiroshima than was previously known. Therefore, we must expect more health problems here. It is merely prudent to carefully monitor the health of those who were in the path of the radiation plumes.

Finally, you state that residents shouldn't face restart with a sense of alarm or panic. The NRC is preparing to place back behind the controls of TMI a corporation that has admitted criminal guilt in the operation of Unit 2. Unit 1 is not undamaged as you state. Due to negligence, it has the most severely corroded, cracked and damaged steam generators in the country (according to the NRC). Face restart with a sense of panic? No. Alarm, yes; fear, yes; outrage, yes.

—Brian Hunt,  
Harrisburg

—The Patriot,  
Harrisburg, Pa., Wednesday, March 6, 1985

## Boy Scouts to seek badge at TMI plant

Area Boy Scouts will get a chance to earn an Atomic Energy Merit Badge during an eight-hour program of instruction Saturday at the Three Mile Island Nuclear Generating Station, Londonderry Twp.

It is the fourth year that TMI employees have volunteered to teach Scouts from nine area counties about various aspects of nuclear power generation. The program will be repeated Oct. 26.

## NRC hearings

EDITOR:

SURELY, one must marvel at the audacious ingenuity shown by the NRC/GPU team in their latest effort to extricate themselves from the mess they made of hearings into Three-Mile Island for which they are jointly responsible. Unable to twist the judicial process far enough in their own favor, they are driven to the ultimate solution: Stop the hearings.

In spite of the promise by Chairman Palladino that no vote on restart of Unit 1 would be scheduled until all matters of public safety and management competence/integrity are resolved, they voted instead on Feb. 13 to end this foolish idea that the public should participate and help bring out the truth and thus assist them to better perform their function. It might be a good theory but a great inconvenience. The trouble was the public intervenors kept raising embarrassing questions and revealing unsavory facts, thus disrupting their carefully planned whitewash and coverup of William Kuhns and Herman Dieckamp who were top "management" but it seems, involved only in counting the money.

Commissioner Lando Zech, the most recent appointee who came on board with orders to shorten this pesky business of public hearings, carried out his task with dispatch. His logic was simple: "Six years is long enough to get all the facts in any

**The Patriot, Harrisburg, Pa.**

Wednesday, February 13, 1985

## TMI cancers

EDITOR:

RECENT double editorials in the Patriot: "Reed on a limb" and "Look into cancer cluster" (Jan. 22) were fragmented and elusive; leaving the reader with,

metaphorically speaking, half a loaf.

Since I was not present when Mayor Stephen Reed addressed the United Kingdom Atomic Energy Authority on TMI events, it would be inappropriate for me to respond to his presentation. However, the editorial author's reasoning that a Middletown Mayor would somehow "Be a better choice" to speak on the subject of TMI than a Harrisburg mayor, based on geographical location, defies reasonable comprehension.

Furthermore, the author's charge: "Misleading information about health effects which had long since been discounted and discredited by health officials," revealed the lack of research and investigative reporting which is so essential and an integral part of journalism.

We recognize that this newspaper prides itself on candor and propriety. Therefore, it comes as a surprise and disappointment when we read an editorial that is filled with opinion, lacks pertinent facts and stoops to derogatory name calling. Something this newspaper has abhorred in the past.

Contrary to the author's disclaimer of health effects around TMI which were based on health official reports, there is ample evidence and scientific responses to substantiate the increase in hypothyroidism, cancer clusters, stillbirths, congenital birth defects and crib deaths. Dr. Tokuhata of the state Health Dept. deleted infants deaths from the 1979 statistics submitted to the federal government. This is not speculation or a "guesstimate." It is common knowledge that the increase in infant mortality rates rose at the very time of year it usually subsides. Should the author have any further doubts perhaps some researching the local obituary columns from every local newspaper including the Patriot might be more convincing. Bet-

investigation." True, and we agree. But this wasn't "any" investigation. This one was focused on concealment of the truth and saving the industry — all in the best interests of national defense and Star Wars nuclear shielding — so it has taken longer.

The intervenors were so limited in scope and regularly overruled that the truth had just recently started to trickle out. The true character of these hearings finally became public on 2 January when the chairman of NRC's Atomic Licensing and Safety Board behaved in such a biased manner that all parties (except GPU) called for him to recuse himself. He has not done so and this presents NRC with a still bigger dilemma: If they summarily dismiss Judge Smith, as the situation clearly demands, the entire hearings would be revealed for the sham they've long been known to be plus a new chairman for the ASLB would have to be installed.

A much easier solution: Stop the hearings! And that's what the three brave NRC commissioners voted to do. Fortunately, the minority of two real public servants spoke out and will be heard from further. They deserve support. Also, the governor has protested the action.

As for GPU and Judge Smith, Gordon Tomb, GPU's spokesman, stated that they had submitted a 43-page brief supporting Smith's handling of the case. Obviously, NRC/GPU give much weight to the number of years consumed in legislative maneuvers and the number of pages in their briefs. Both would have been reduced in quantity if they had shown regard for quality (integrity) and tried only to uncover the truth. It would have been so simple! And so much less expensive!

—Charles E. Leising,  
Boiling Springs

ter still a phone call to the former Secretary of Health, Dr. Gordon MacLeod, could enlighten the author on his missing facts.

To concede, as the author has: "That the government estimates that small amounts of radiation released into the environment by normal operation of each nuclear plant will contribute to the deaths of a small number of people over the life of the plant and that TMI possibly will result in a few more deaths over time and that nuclear-power related deaths are infinitesimal," indicates a callousness beyond belief. This was not the story told before the plant was constructed.

Not only was our door to door research time consuming and expensive, it was heart-rending to look into the tear-filled eyes of a husband or a wife whose mate was dying of cancer or had just recently succumbed to this horrible disease. One mother/wife was so distraught at the loss of her husband and son from cancer that we could not interview her.

Studies can show "definitively" if people are dying from cancer due to cumulative radiation effects (insult) to the body. That is the purpose of control-group studies. The areas chosen were all elevated and isolated from industrial contaminants. Prior to 1979 we saw many health effects among the animals but human cancer rates appeared to be minuscule in the area. Today it is a different story and we have good cause for concern. The map clearly reveals clustering. Many the cancers in the area were omitted because they were outside the control group. The denial syndrome will always be with us. It's only when one becomes the victim that reality strikes home.

—Jane Lee,  
Esters

Royal Liscom, a TMI quality assurance engineer and Scout leader, who is chairman of the Atomic Energy Merit Badge Committee, said the daylong sessions will include lectures by representatives of various departments at TMI, slide programs, videotapes and 4 practical exercises.

# Controversial judge can still rule on TMI issues

By MICHAEL ARGENTO  
Daily Record staff writer

Administrative Law Judge Ivan Smith, who has asked for leniency for a former Three Mile Island supervisor convicted of cheating on tests, will still be able to render the two decisions yet to be made in the restart of the plant's unit 1 reactor.

That's because of the Nuclear Regulatory Commission's decision Wednesday that no further hearings are required to determine whether TMI's unit 1 should be allowed to reopen.

Judge Smith, chairman of the NRC's Atomic Safety and Licensing Board, came under fire in January when Gov. Dick Thornburgh, state Rep. Bruce Smith, R-92, and other public officials asked that he step down.

But Judge Smith can make the decisions resulting from two hearings that were just completed. Those hearings dealt with the training of reactor operators and

whether plant owner General Public Utilities lied to the NRC and Congress about the severity of the accident.

After rendering those decisions, NRC spokesman Frank Ingram said Judge Smith can grant the requests that he not preside over any further hearings on TMI.

The development angered those who had sought Judge Smith's removal.

"For Ivan Smith to continue as judge is like the British trying Benedict Arnold," Rep. Smith said.

Gov. Dick Thornburgh is not giving up the fight.

"I think our point is valid whether it's he's writing a decision or presiding over hearings," Roland Page, a spokesman for Thornburgh, said.

The officials first asked for Judge Smith's removal after he wrote a letter to U.S. District Judge Sylvia Rambo requesting leniency for James Floyd, who was convicted of cheating on an NRC licensing test.

# State argues judge erred, asks NRC to pull him off TMI case

By DAVID MORRIS  
Staff Writer

Lawyers for the state yesterday formally asked the Nuclear Regulatory Commission to remove an administrative law judge from a panel that will determine if the undamaged reactor at Three Mile Island should be restarted.

In a 19-page motion filed in Washington, the Thornburgh administration said the official, Ivan W. Smith, should be removed from the case because of "substantial defects in [his] conduct, each of which cast doubt upon the integrity and impartiality" of the restart hearings. Smith chaired the hearings.

Earlier this year, Gov. Dick Thornburgh asked Smith to

disqualify himself, but he refused on Feb. 20.

In his first call for Smith's ouster, Thornburgh said the presiding judge "has gone out of his way to prove himself incapable of fair and impartial decision-making in this complex and difficult matter."

A number of other critics, including state Rep. Bruce I. Smith Jr., R-York, the Union of Concerned Scientists and Three Mile Island Alert, also have petitioned for his removal.

The administrative law judge drew criticism for a Dec. 27 letter to federal Judge Sylvia H. Rambo, in which he recommended a lenient sentence for a TMI operator convicted of cheating on NRC licens-

ing examinations. The conviction of James R. Floyd in itself would deter others from cheating, Ivan Smith wrote, so a tough sentence would "add nothing."

Smith said he would not step down from the case because the Judicial Code of Ethics said a judge "should be unswayed by partisan interests, public clamor or fear of criticism."

Smith, a veteran law judge, said his letter to Rambo, written at the request of Floyd's lawyer, was "consistent with and in furtherance of the highest standards of professional responsibility."

Shortly after his decision, the NRC said it would review the question of Smith's further participation.

# NRC to rule on maverick judge's role

By MICK ROOD  
Washington Bureau

WASHINGTON — The Nuclear Regulatory Commission took steps yesterday to decide soon whether Administrative Law Judge Ivan W. Smith was right in refusing to step down as presiding judge in the Three Mile Island Unit 1 restart hearings.

Smith's spirited defense of his conduct during the most recent Unit 1 hearings was entered in a 54-page order on Wednesday. When the order was released yesterday morning, it was accompanied by a commission statement wresting judgment of the order from an NRC appeals board that would normally review it.

The commission said its action was prompted by the "importance of this question" and "the need for a prompt, definitive resolution" in the context of the potential reopening of TMI Unit 1.

"I have acted honorably, ethically and appropriately throughout this proceeding," Smith said at the outset of his order. "I have no personal biases against any

party or any participating individual, nor have I projected the appearance of bias."

Since 1980, Smith has presided over hearings on all aspects of utility management and safety hardware changes GPU Nuclear Corp. has made to requalify as a fit operator of Unit 1. Being refueled at the time of the March 1979 TMI Unit 2 accident, the Unit 1 power plant was ordered shut down indefinitely in August 1979.

Smith's fitness to sit wasn't formally questioned until the most recent Unit 1 hearings on adequacy of operator training since 1981 and propriety of Unit 2 accident communications in 1979.

On Dec. 27, before the operator training hearings were completed, Smith wrote to U.S. Middle District Judge Sylvia H. Rambo that former TMI Unit 2 operator James R. Floyd be treated with leniency. Floyd awaits sentencing by Rambo after his conviction last November of cheating on a license exam in 1979.

In his "personal view," based on what he knew of the TMI case, Smith wrote

Rambo that the NRC regulatory process will "identify and resolve" problems and that "deception in the future is very unlikely." A severe sentence for Floyd would "add nothing," he said.

The letter, sent at the request of Floyd's attorney, William Fuller, backfired. Fuller had indicated "there was a concern that he [Floyd] could be imprisoned and that a letter might be helpful," Smith said in a footnote to his order.

In quick succession, the Commonwealth of Pennsylvania, the Union of Concerned Scientists and Three Mile Island Alert, all parties to the restart case, filed motions that Smith disqualify himself. NRC staff attorneys didn't file a motion to that effect, but also concluded in a "response" pleading that the judge had given the appearance of bias.

The state, UCS and TMIA also alleged varying examples of prejudicial conduct by Smith during the Unit 1 hearings. Only GPU Nuclear among the parties to the restart case opposed disqualification.

"It will be seen that it is easier to accuse than to explain," Smith said in his order.

Smith defiantly described the letter to Rambo as "consistent with and in furtherance of the highest standards of professional responsibility."

Specifically, Smith said: — He didn't know Floyd, and spoke only to things he had learned during the hearings or from the media. Smith spoke up because he had "useful information" and an "ethical responsibility" to impart it. He interpreted Canon 1 of the Code of Judicial Conduct, which "calls upon judges to preserve an honorable judiciary," as overriding.

— He didn't prejudge the TMI Unit 1 restart in the letter by expressing confidence in NRC machinery and saying future deception at Unit 1 is "very unlikely." If the evidence suggests it, Smith claimed he would be ready to impose conditions on GPU Nuclear's license or to deny the license outright.

— His conduct at the hearings didn't demonstrate excessive concern for the fate of individual operators implicated in the exam cheating incidents. Smith said safety concerns need not conflict with the due process rights of reactor operators accused of cheating. In one case, Smith argued that an effort should have been made to retain, "if possible, an experienced and qualified instructor — all in the interest of safety."

— Claims by the state and TMIA that they were unfairly treated were untrue. In one of several examples, the judge said he denied former Commissioners Peter Bradford and Victor Gilinsky the right to testify in the restart hearings because it did not appear they knew what was "properly before the board."

TMIA had sought testimony from Bradford and Gilinsky, both of whom had been highly critical of GPU Nuclear while in office, on the question of whether the utility truthfully informed the government of Unit 2 accident conditions in 1979.

—The Patriot, Harrisburg, Pa., Friday, February 22, 1985

# Scientists shock NRC, call for more research

By MATT YANCEY  
Associated Press

WASHINGTON — A scientific panel yesterday termed as "not yet adequate" a \$265 million research effort aimed at showing that potential radioactivity from atomic power plant accidents is much less than previously thought.

The long-awaited report from an American Physical Society group headed by Harvard physicist Richard Wilson shocked government and industry officials who had anticipated the five years of research would provide a basis for weakening federal atomic safety rules.

Wilson said his panel "declined to agree" with an assertion in November and December by the American Nuclear Society and other industry groups that the maximum possible releases of radioactivity are only one-tenth to one one-thousandth those previously believed.

"Some on the review committee felt we should explicitly disagree with it," Wilson told the five-member Nuclear Regulatory Commission in a two-hour briefing on his panel's report. "No one wanted to support the conclusions of the ANS."

Industry and government officials were clearly dismayed after the meeting.

"I don't know what it all means yet," said Carl Goldstein of the Committee for Energy Awareness, a multimillion-dollar industry organization devoted to promoting nuclear and coal-generated electricity. "They certainly hedged."

NRC Commissioner Fred Bernthal said he was "troubled that here we are in 1985 with significant additional research that needs to be done. This issue should have been addressed 10 years ago."

Asked if the "bottom line" of the Wilson panel's report is that there is not yet enough knowledge about the nature of radioactivity releases from possible accidents to weaken regulations, Commissioner James Asselstine said: "That's the way I read it."

Industry and NRC officials had looked to the American Physical Society "peer review" and acceptance of the ANS conclusions to begin rewriting regulations to cut the evacuation zones around nuclear plants from a 10-mile radius to two miles.

The research also was anticipated to provide justification for changing policies that prevent future plants from being located near population centers and asking Congress to forgo increasing the required insurance coverage for accidents, as the NRC has recommended.

The research was spawned by the March 1979 accident at the Three Mile Island nuclear plant in central Pennsylvania — the worst in the industry's history — and observations that much less radioactive iodine was released than had been expected.

While iodine is only one of the radionuclides or so-called "source terms" capable of escaping from a power plant in a severe accident, it is the one that is of most concern because it has a long radioactive

life and is readily absorbed by body tissues.

Estimates of those "source terms" from a 1975 Reactor Safety Study commissioned by the NRC have provided the scientific basis for many of the government atomic safety regulations.

"It is not yet possible to derive factors by which the source terms for all radionuclides and all reactors can be changed from the values reported in the Reactor Safety Study," said the 13-member Wilson panel. The society is the leading professional organization for U.S. physicists.

While maximum radioactivity releases for some accident sequences are clearly less than those estimated in 1975, they may be the same or even greater for other possible accident scenarios, Wilson said.

"We would like to see more data," he told the commission. "We're not only saying that the data now is not good enough; we're saying it can be and should be better."

He later told reporters it would take another two years of research and four or five years more for independent scientists to review the work before he would feel confident with any conclusions.

Asked specifically by NRC Chairman Nunzio Palladino if the research up to now is "far enough along" to warrant reconsideration of emergency planning and evacuation requirements, Wilson said: "We are explicitly not prepared to make any recommendation."

14—Metro East, March 12, 1985

# Lower Swatara board protests NRC's stand on restart hearings

Lower Swatara Twp. Commissioners, in a letter to President Reagan, have protested a recent Nuclear Regulatory Commission decision that no further hearings are needed in the Three Mile Island Unit 1 restart case.

"The position of the Swatara board is that the cleanup of the Unit 1 reactor and categorical assurances of public health, safety and welfare must precede any consideration given to the reactivation of Unit 1," said Frank Siffrinn, township manager, in the letter.

Township officials believe it is

"imperative that environmental, operational safety and public safety concerns be fully addressed and the accompanying impacts known prior to NRC consideration of a restart vote," he said.

"Residents of this township and the midstate area have an important right to expect that safety-related hearings are completed and all facts publicly disclosed before an issue of such paramount importance can be approached with any semblance of reason," Siffrinn told Reagan in the letter.

"The board asks your support and intervention to ensure that due process is accorded to the residents of this area," he wrote.

Lower Swatara officials contend that the decision was a subjective one, and should have been made on the evidence of studies and investigations that have not yet been completed.

# Some N-fuel did melt

From staff and wire reports

MIDDLETOWN — Scientists disclosed for the first time yesterday that some nuclear fuel melted in the reactor core during the 1979 accident at Three Mile Island.

Recent studies of pea-sized pieces of rubble taken from the top of the core show that temperatures reached about 5,100 degrees Fahrenheit, about 400 degrees above previous estimates, said Harold Burton, TMI project manager for EG&G Idaho, a contractor hired by the U.S. Department of Energy.

In a separate report, GPU Nuclear Corp., the plant's operator, said as much as 20 tons of core debris has been found at the bottom of the reactor vessel. Officials said the discovery has little impact on cleanup efforts.

Earlier studies had indicated core temperatures went as high as 4,700 degrees, melting some metal parts but not the uranium fuel.

Burton and officials for GPU Nuclear Corp., TMI's operator, said melting of fuel did not mean the plant was close to a "meltdown," which could have resulted in the release of dangerous radiation outside the plant.

"The idea of a meltdown, which is a

breach of the reactor vessel, clearly did not occur," said Frank Standerfer, vice president of GPU Nuclear.

"I think it's silly for them to say they were never close to a meltdown even if some of the fuel melted," said Robert Pollard, a nuclear expert with the Union of Concerned Scientists.

The new disclosure "clearly indicates the accident was much more severe than anyone knew before now," Pollard said. However, he added, "It doesn't represent any hazard at this point to the public."

In a prepared statement, EG&G said it was not clear how much of the core reached 5,100 degrees, and said it was still studying the test results.

During the accident — the nation's worst at a commercial nuclear power plant — the core of the Unit 2 reactor overheated when it was no longer covered with vital cooling water.

GPU officials said that in order for a catastrophe to have occurred, the fuel would have had to melt through the six-inch-thick steel vessel which contains the core and through the concrete bottom of the reactor building.

THE MORNING CALL, FRIDAY, FEBRUARY 22, 1985 ALLENTOWN, PA.

## TMI

Continued From Page A 1

"The reactor vessel is very much intact," said John DeVine Jr., director of technical planning at the reactor.

A 1980 special inquiry for the Nuclear Regulatory Commission said engineering calculations showed that a substantial portion of the core's fuel came within 30-60 minutes of melting.

Burton said yesterday the new evidence is not sufficient to say whether there was substantial fuel melting.

Douglas Bedell, manager of communications services for GPU Nuclear Corp., who was in Allentown last night, characterized the spike in temperature at the core as a "localized phenomena, not generalized" — and could have been effected by the metal involved, water flow and heat transfer.

"There are places nearby where the steel walls are untouched."

Bedell said the reactor vessel is intact — "until fairly recently it was maintained under pressure and was for several years after the accident. It had its integrity all that time."

"A meltdown is not likely to occur in the popular sense, the China Syndrome sense. What amount of

melting we had is not clear at this time," he said.

When questioned on what temperature the vessel could have been breached at, Bedell said he was moving into a "speculative area."

"We're looking through a knot-hole today," he said, adding the DOE's study will determine the state of the fuel and the sequence of events of the accident.

But cleanup of the damaged fuel should not be delayed, he said. "The tooling we've been developing included tooling to handle chunks."

That cleanup is expected to begin this summer and continue for a year to 18 months.

Burton's announcement came at a news conference held by GPU to show television pictures taken for the first time underneath the core. The pictures, taken Wednesday, revealed that fist-sized chunks of rubble, perhaps including some molten fuel, fell from the core during the accident.

The videotape indicated a three-foot-deep bed of debris at the bottom of the steel vessel that contains the core.

Officials had determined earlier that the top five feet of the core had collapsed into a bed of rubble. The state of the lower portion of the core is still a mystery.

There was probably some dam-

age — not previously hypothesized — to the steel support structure at the bottom of the core that allowed the debris to fall to the bottom of the vessel, Standerfer said.

"For the material to have gotten down there, it must have gone through some damage in the structure," he said.

The discovery of the rubble means that there may be less debris than previously expected from the core deposited in the reactor cooling system outside the vessel, Standerfer said.

"This may make the removal of the material easier," he said.

Removal of the fuel, the centerpiece of the plant's \$1-billion cleanup, is scheduled to begin in July and last about one year.

The recent television pictures were taken with a small cylindrical camera that was lowered by a cable along the reactor vessel wall. The entire core is under water. More television inspections were undertaken yesterday and are planned for next week as well, Tomb said.

The discovery of large chunks of rubble means technicians will remove it with long-handled shovels and other tools, instead of an underwater vacuum cleaner. The changes will not add to the project's length or cost.

"We haven't seen anything we can't deal with," DeVine said.

### TMI

NRC moves toward decision on restart, says no more hearings needed

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Please See TMI Page A2

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## NRC rejects citizens' request to look at TMI effects

By MICK ROOD

Washington Bureau

WASHINGTON — The Nuclear Regulatory Commission and its official citizen advisers on the Three Mile Island Unit 2 cleanup found themselves at loggerheads again yesterday.

The Advisory Panel for the Decontamination of TMI Unit 2 wants to examine, at the request of many residents living near the damaged reactor, potential adverse health effects from radiation released during the March 28, 1979, nuclear accident in London-derry Twp.

Holding three votes against the idea, NRC Chairman Nunzio Palladino said he would not reconsider voting formally on the matter until the NRC staff and the panel see if they can work up a specific proposal. The 12-member panel was chartered in October 1980 to advise the NRC on the safe decontamination of Unit 2.

"It would be an unmitigated disaster" if the NRC refuses to let the panel look into health effects, said panel member Joel Roth of Harrisburg. Palladino said he didn't want to "open up a whole hornet's nest" without thinking it over.

Palladino relied on a legal opinion from NRC General Counsel Herzel Plaine, who said technical staff members have concluded that accident health effects "lacks direct relevance" to the advisory panel's charter. Plaine said cleanup concerns include radiation exposure in the plant and, in case of releases, outside the plant. Unit 2 accident releases, which he said had been extensively studied, were "beyond the scope of the charter."

Palladino had the agreement of Commissioners Lando W. Zech and of Thomas Roberts, who was absent yesterday. Commissioners Frederick Bernthal and James As-

selstine said they were inclined to allow the panel to pursue health effects concerns of residents.

Palladino also asked the panel and NRC staff to see if an independent expert should somehow be brought in to examine the health effects question. Several panel members said the public would not trust reliance on the state Health Department for health effects advice because state epidemiologist, Dr. George Tokuhata, has already concluded in narrower studies that no excess adverse health effects resulted from the Unit 2 accident.

"We should be able to provide some method of allowing people to

be heard," Bernthal said.

Panel members also said there was no overall coordination of health studies that have been done or any forum where they are objectively examined.

"Which of these is right?" the public says of TMI health studies, according to panel member Joseph DiNunno. "There's a gap there, there's something missing."

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