



Three Mile Island Alert

Island Updates

News Watch on the Harrisburg Area

Vol. 5 No. 4

May/June, 1985

NRC sets restart date of June 11 4-1 vote cites GPU 'reasonable' pledges

By Mick Rood
Washington Bureau

WASHINGTON — The Nuclear Regulatory Commission yesterday pronounced the Three Mile Island Unit 1 plant safe to operate, ending nearly six years of controversial deliberation.

Recalling the TMI Unit 2 accident in 1979 that caused the indefinite Unit 1 shutdown, a 4-1 NRC majority concluded in a restart order that "pre-accident faults at TMI have been corrected such that there is reasonable assurance that TMI-1 can and will be safely operated."

NRC Chairman Nunzio Palladino and Commissioners Thomas Roberts, Lando W. Zech and Frederick Bernthal signed the order. James Asselstine was the dissenter.

Barring legal or mechanical obstructions, Philip R. Clark, president of GPU Nuclear Corp., said a cautious start-up schedule to bring Unit 1 to full power in 90 to 100 days will begin soon after June 11 — the effective date of the restart order.

The plant would not actually produce electricity until three or four weeks into the start-up process, when it reached 15 percent of its 800-megawatt rated capacity, Clark said.

GPU Nuclear was formed to run the Londonderry Twp. facility after the nation's worst commercial nuclear accident, on March 28, 1979, destroyed the Unit 2 reactor. Owned by General Public Utilities

Inside

- Profiles of the five men who made decision on Unit 1 — A8
- NRC vote draws wide range of reactions around midstate — A9
- New lawsuit adds 37 names to list of TMI plaintiffs — A10

Corp. of Parsippany, N.J., TMI had been operated by Metropolitan Edison Co., a GPU subsidiary.

The NRC bucked substantial public sentiment in central Pennsylvania and the opposition of most of the area's elected representatives, who wanted still more safety hearings on GPU Nuclear's competence and character.

Intervenors in the Unit 1 proceeding — Three Mile Island Alert, the Union of Concerned Scientists, Norman and Marjorie Aamodt of Coatesville and Gov. Dick Thornburgh representing the state — all said they will seek to overturn the restart order in the 3rd U.S. Circuit Court of Appeals in Philadelphia.

A sometimes boisterous crowd of about 200 people, including more than 50 reporters and about 75 midstate residents both for and against the restart, attended the meeting. Palladino repeatedly

See NRC—Page A9

NRC

From Page A1

gaveled down a minority of anti-restart activists when they applauded, hooted, or yelled out "murderers," "nazis," "traitors" — and obscenities — during the meeting.

The name-calling did not deter a somber William G. Kuhns, GPU board chairman. When a reporter asked him what revenue Unit 1 would produce, Kuhns replied, "I want to talk about safety, performance and excellence — not money."

Kuhns called the NRC order "a very emotional thing."

"We're going to do it right," he said. "We accept this order as a trust, a trust we will not violate."

In a statement explaining his vote, Palladino said: "While we are aware of the sentiment of many members of the public, the commission must base its decision to authorize restart on its conclusion that there is reasonable assurance that this plant will be safely operated."

Palladino, a Pennsylvanian who described the decision as "not ... an easy one for me," said he based it on:

— Four NRC licensing board decisions favorable to GPU Nuclear.

— The NRC staff's view that the 1979 shutdown order on Unit 1 should be lifted.

— His "own review" of restart information.

— "Greater-than-usual ... regulatory scrutiny" planned for the start-up period.

"Having been forced to endure one serious nuclear power plant accident, the people of central

Pennsylvania deserve nothing less than a full and searching inquiry into every relevant safety issue before TMI-1 is allowed to start," Commissioner Asselstine said.

Asselstine said history has shown "a licensee which has been unwilling or unable to provide the commission accurate and complete information on significant safety issues ... a licensee with a pattern of violating commission regulations for the sake of expediency, a pattern which began before the accident and which continues even to this day."

Rather than consider GPU Nuclear's pattern of behavior, Asselstine said the commission has isolated restart issues and made a "piecemeal" decision. He said more NRC licensing board hearings were needed on 1978-79 coolant leak rate falsification in both Units 1 and 2 and the NRC staff's two changes of mind on GPU Nuclear competence to operate Unit 1, among other things.

Bernthal, who had voted with Asselstine against an NRC order that shut off further hearings in February, sympathized with Asselstine's points. But Bernthal said that while holding more hearings might be good public policy, it was not legally required.

"I firmly believe that, as a technical matter, this facility can now be operated in a manner wholly consistent with public health and safety," Bernthal said. He cited reports that Unit 1 "measures up very well" to standards set for other pressurized water reactors designed by Babcock & Wilcox.

The commission attached a number of conditions on the GPU Nuclear license renewal, including two new ones yesterday:

— GPU Nuclear must submit a "power ascension schedule," including points at which the NRC staff must approve, as the utility builds toward full power.

— The NRC staff must provide a "general description" of an increased NRC oversight plan during the start-up period. Asselstine had criticized oversight plans as being too vague.

One reason Kuhns and Clark could not say yesterday when the company will go on line is the new NRC requirements.

Thursday, May 30, 1985

Final edition

Harrisburg, Pa. 25¢ \$1.20 per week suggested home delivered by carrier

The Patriot

Volume 144—No. 129

4 Stions — 56 Pages

Copyright © 1985 The Patriot-News Co.

'Economics has prevailed over safety'

TMI restart ruling angers Heinz, Specter

By Mick Rood
Washington Bureau

WASHINGTON — Pennsylvania's U.S. Sens. John Heinz and Arlen Specter reacted sharply yesterday to the Nuclear Regulatory Commission's approval to restart the Three Mile Island Unit 1 reactor.

Both senators said further management integrity and safety hearings should have been held before a restart vote. Heinz called the vote "wrong." Specter called it "a mistake."

"Economics has prevailed over public safety and health, and that is unfortunate," Heinz said in an

apparent reference to rate revenues the utility will gain from renewed operation of TMI Unit 1.

"They [NRC] would save everybody a lot of time and effort if they completed the hearing process," Specter said. "Until the issues of safety and competence of management are dealt with, I predict it will drag through the litigation process for a long time."

U.S. Reps. William F. Goodling, R-Jacobus, and George W. Gekas, R-Harrisburg, were more philosophical.

"I have to have faith in the fact that the agency knows what it's doing," said Goodling. "I don't think the politicians should

be able to interfere with an independent agency. You have to hope that after five years they know what they're doing."

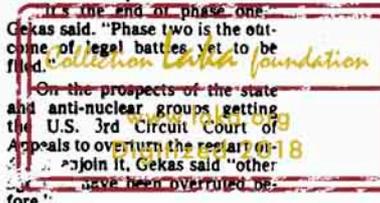
Goodling differed with Heinz and Specter on the need for more NRC licensing board hearings. "More hearings wouldn't have done any good," he said.

The big problem for Goodling is TMI owner General Public Utilities Corp. of Parsippany, N.J., which has named Chairman Dan Kuhns and President Herk Heckamp since the 1979 TMI nuclear accident in Londonderry Twp. "The box doesn't

people confidence. I hope they're not in decision-making positions," Goodling said. "It's just the idea of the thing. We needed those kind of changes from day one."

Gekas said "nobody was rudely surprised by the decision. The vote was anticipated."

It's the end of phase one, Gekas said. "Phase two is the outcome of legal battles yet to be filed." On the prospects of the state and anti-nuclear groups getting to the U.S. 3rd Circuit Court of Appeals to overturn the restart order, Gekas said "other have been overturned before."



Foes of restart applaud court on intervention

By Frank Lynch
Patriot-News

TMI

From Page A1

Opponents of the restart of Three Mile Island's Unit 1 reactor had their day in the sun yesterday after a court decision, again cast doubt on the nuclear reactor's fate.

"I thought it was an excellent decision," said Dauphin County Commissioner Lawrence Hochendoner, who opposes restart until health, safety and management integrity issues concerning plant operations are resolved.

The 3rd U.S. Circuit Court of Appeals in Philadelphia yesterday issued a stay order to plant owner General Public Utilities, and GPU Nuclear Corp., a subsidiary that operates the plant. The order freezes the company's restart countdown, which began early yesterday morning with "heat up" of the plant's non-nuclear systems.

The U.S. Nuclear Regulatory Commission on May 29 authorized restart, and the effective date was four days away when the stay order was issued. GPU Nuclear officials had announced they would begin a controlled chain reaction in the reactor on Tuesday.

Pointing out that he is unfamiliar with details of the order, Hochendoner said, "It definitely suggests that the outstanding, important issues . . . are in fact going to get proper analysis. I would

Inside:

● GPU Nuclear plans to continue non-nuclear hot testing — A2

hope that [hearings] would be the final result of the decision the court makes."

"We're thrilled," said Joanne Doroshow, attorney for Three Mile Island Alert. "It's very significant that they have accepted a lot of our arguments in favor of a stay. They don't do that lightly."

Middletown Mayor Robert Reid said he hopes the court orders more hearings. "If it [the stay order] is for safety reasons, I'm glad they're doing it. I really feel there's some safety issues that are not resolved yet.

"They need to have all [the hearings] they can to satisfy the people in this area. I know GPU is going to lose money" with a delay, he said, "but the people in this area have to live with the plant, and GPU has to live with the people in this area."

"We're very pleased with the staying action," said Harrisburg Mayor Stephen R. Reed. "I'm hopeful this will allow for the in-depth analysis and determination on outstanding issues [with TMI]

that the NRC has shown itself incapable of considering."

"I think the court's decision is fantastic news," said state Rep. Bruce Smith, R-Newberry Twp. A long-time critic of the plant, Smith said he was "quite pleased that the court acted so quickly. I had hoped they would act before GPU initiated a nuclear reaction."

Yesterday's court order also drew praise from Pennsylvania's U.S. senators, Republicans Arlen Specter and John Heinz, and from U.S. Rep. George Gekas, R-Harrisburg.

"It [the order] is a welcome second chance to permit resolution of the unanswered management integrity and safety issues that the NRC has so far failed to come to grips with," Heinz said.

"While the decision is a short

reprieve to the people who live and work in the shadow of Three Mile Island, it is nonetheless a positive, constructive development," he said.

A spokesman for Specter said the senator is "glad that [restart] is being delayed, at least until the court can hear the issues."

Gekas, who three weeks ago urged NRC members to "rethink, reject restart," yesterday said, "This gives us reason to feel that perhaps some of the issues we feel are important, perhaps will be considered in new hearings."

Most downtown strollers interviewed yesterday afternoon were happy with the court injunction.

"I think it is a good decision," said Stephanie Sehar of Colonial Park. "I don't think that it should have been opened in the first place."

Scott Heckman dipped into a bag of metaphors when asked his opinion of the decision. "I think it's good. The place shouldn't be opened if they [plant operators] are playing with half a deck. Let me put it this way, if you eat bread that's half-baked, don't call me if you get sick," he said, implying that GPU Nuclear is not yet ready to operate the plant safely.

"I don't think their elevator goes to the top floor, if you know what I mean."

Prudence Laing of Steelton agreed, but she was not quite as philosophical. "I'm happy. It should never have been opened."

Jeff Seibert of Enola said the court may have made the right decision yesterday. "I should stay open. It was error [that led to the March 28 accident at TMI-2]."

The chronology:

Here, in summary form, are some of the most significant events of the past six years relating to restart:

1979

March 28: TMI-2 reactor overheats, melting uranium fuel and discharging radiation; at the time, TMI-1 is shut down for refueling.

April 2: General Public Utilities Corp., principal owner of TMI, says replacement power will cost \$1.1 million a day. Actual figures prove lower.

May 9: GPU tells stockholders it will eliminate 600 jobs.

July 3: Nuclear Regulatory Commission orders TMI-1 shut down pending safety hearings.

Aug. 8: Atomic Safety and Licensing Board set up to hold hearings.

Oct. 3: President Carter's 11-member Kemeny Commission implicates entire structure of nuclear power industry.

1980

Jan. 17: GPU announces new subsidiary, GPU Nuclear Corp., will run Three Mile Island.

March 24: GPU stock hits all-time low of 3%.

May 23: State Public Utility Commission removes TMI-1 from investment base on which electric rates are calculated.

Oct. 15: Restart hearings begin in Harrisburg. Major issues: plant design and hardware; emergency planning; financial capability, and management integrity — which will prove the most difficult to resolve. NRC votes 2-2 that "psychological stress" on nearby residents is not an issue.

1981

March 26: NRC rejects GPU request for restart before hearings end, but approves hot tests of TMI-1 with non-nuclear heat and dismisses financial capability issue. Emergency drills and two months of hot testing follow.

July 9: Main restart hearings end. Six weeks later, licensing board reports GPU Nuclear has managerial ability to restart TMI-1 safely. But charges surface in October that reactor operators cheated on licensing exams and hearings reopen November 10.

November: GPU Nuclear discovers that sulfur in coolant system corroded 29,000 tubes in TMI-1 steam generators. Repairs planned.

Dec. 14: Licensing board finds modified TMI-1 hardware safe to operate.

Dec. 21: GPU Nuclear turns over \$2 million emergency warning system to counties surrounding TMI; its agents fulfill NRC requirement.

1982

Jan. 7: Federal appeals court in Washington rules restart hearings need not consider psychological stress, but that federal law requires environmental impact study. Injunction issued against restart.

May 18: Voters in Dauphin, Cumberland and Lebanon counties oppose restart 2-1 in non-binding referendum. Turnout is 26 percent.

Nov. 9: 1,200 Harrisburg-area residents attend NRC meeting here, expecting restart decision December 10.

1983

March 17: GPU tells its stockholders cash-flow "crises" since accident are over.

April 19: U.S. Supreme Court unanimously reverses appeals court on stress issue. Injunction lifted.

May 18: Twelve citizens from Harrisburg area block TMI entrance on referendum anniversary and are arrested. They become known as the TMI Twelve.

May 27: Licensing board rules in TMI's favor on remaining plant design and technical issues.

June 23: NRC Commissioner Victor Gilinsky calls for dismissal of top GPU management.

July 22: GPU Nuclear fined \$140,000 for false statement to NRC regarding cheating on license exam by a supervisor in 1979.

Oct. 24: NRC finds no evidence of hiring irregularities or unsafe welds at TMI reactors.

Nov. 7: Met-Ed indicted on 11 charges of criminal falsifying test data on coolant leaks and destroying documents before the accident.

Nov. 22: Admiral Hyman G. Rickover reports GPU

Nuclear management has "competence and integrity to safely operate" TMI-1.

Nov. 28: GPU Nuclear President Robert C. Arnold, implicated in management integrity issues, resigns. Six months later, NRC finds he made inaccurate statements about relief valve that played key role in TMI-2 accident.

Dec. 5: NRC staff recommends restart at 25 percent power while management integrity issues are resolved.

1984

Jan. 27: NRC votes 3-2 to separate integrity issues from restart decision.

Feb. 28: Met-Ed pleads guilty to one count and no contest to six others in a plea bargain agreement. Agrees to pay \$1 million to emergency planning fund, faces \$45,000 fine.

March 28: Fifth anniversary of TMI-2 accident; the Rev. Jesse Jackson attends protest vigil at plant gates.

April 26: NRC closes out three of six remaining restart issues: allegations of leak rates falsification, management reporting failures and training irregularities. Vote on restart set for June 27.

May 23: Licensing board orders new hearings on management competence and integrity. Three weeks later, NRC puts off restart vote.

July: Licensing board holds hearings on \$52 million repairs to steam generators; repairs approved Oct. 31, but more defects found in November.

Aug. 13: Pennsylvania officials, New Jersey activists and TMI Alert petition NRC to revoke GPU Nuclear's license for lack of management integrity.

Aug. 15: Gov. Dick Thornburgh urges NRC not to vote on restart until TMI-2 cleanup funding and management integrity hearings are complete.

Sept. 7: NRC delays decision again, as licensing board schedules more hearings for November on leak rate falsification, accident reporting and training adequacy.

Nov. 8: Congress notified that NRC is investigating NRC staff.

Nov. 16: Former TMI Supervisor of Operations is investigated for federal court of cheating on

The Patriot, Harrisburg, Pa., Thursday, May 30, 1985 — A7

A2 — The Patriot, Harrisburg, Pa., Saturday, June 8, 1985

82 arrests made at TMI gate

By Frank Lynch and Peter Kelley
Patriot-News

With more than 200 fellow protesters chanting encouragement, 76 men and women and six juveniles were arrested by state police last night for blocking Three Mile Island's north gate. The demonstration at the plant started just 3½ hours after GPU Nuclear Corp., the plant operator,

• Complete list of those arrested, charged — B12

was given a green light by the Nuclear Regulatory Commission to restart its undamaged Unit 1.

About 40 state police officers were on hand to greet the demonstrators as they marched about one-third of a mile from a parking area to the north gate. The two-hour protest, marked by shouting and singing, went off without injury or violence.

Those arrested were bused from the plant to a processing center set up in a hangar at Harrisburg International Airport. They were to be charged with blocking a public entrance, a summary offense that would cost each \$73.50 in fines and costs, police said.

The march started at 6:35 p.m., led by members of Lancaster's Susquehanna Valley Alliance and others who dressed in ghostly

See ARRESTS—Page A9

Arrests

From Page A1

white robes and carried bouquets of black flowers.

Some marchers carried signs, one reading "Surrender GPU, You're Surrounded," and another, "Not Really Concerned," with the NRC initials underlined.

Matthew Dodd of Marysville played guitar as he walked and sang, "It's time to take to the streets once again. . . . Get rid of the atom, give us the sun."

Those who came to be arrested approached the gate in three separate waves, the first at about 6:50 p.m. as a plant guard rammed down a stake to secure the chain-link gate.

Francis Skoinick, one of the "ghosts" dressed in white, placed her black wreath on the fence. "This is for the victims of the TMI accident," she said.

A few minutes later, at 6:54 p.m., police made their first arrest. Within 15 minutes they had removed the first 20 people from the gate to a waiting green bus.

Among them was Leonard Ragozeos, 38, an art professor at Millersville University, who said he was there because "we're downstream, for one thing." And he said he resents his university providing GPU with work-study students.

Betty Tompkins, 67, of Lancaster was another. She held a basket of strawberries "for the policeman that arrests me."

One woman cried as she was fingerprinted and held a number to

her chest to be photographed by police cameras set up near the bus.

Then the second wave of protesters came at 7:18, and after they were arrested a third group crossed Route 441 to the plant entrance at 7:25.

Dauphin County Commissioner Lawrence J. Hochendoner, a restart opponent who was on hand to watch, said, "I thought it was super. These people [the protesters] really did a good job."

Douglas H. Bedell, spokesman for GPU Nuclear, praised police. "This was their operation, and they handled it well."

Others watching included homeowners living near the plant, and TMI workers.

"They're [protesters] a bunch of losers, every one of them," said Mike Dinsell, 23, a Pennsylvania State University Capitol Campus engineering student who performs research at Unit 2 for the U.S. Department of Energy.

"It's a bigger show than I've seen in the past, and they're more organized. I'll give them that much credit."

Paola Kinney, a Middletown homemaker and cake decorator, marched to the gate but had decided ahead of time that she would not be arrested. "I don't feel that this is the end of the line yet. I just don't think it's time yet to get arrested."

Marietta farmer Jim Hershey, 35, said he was marching for two reasons. "On a personal note, I am concerned about the safety and well-being of my family and

friends. On a broader basis, I am frustrated with the insults the NRC and GPU have given the public."

Geordie Robb of Lancaster, a 17-year-old student at Penn Manor High School in Millersville, said he was taking part "because I want the Susquehanna Valley to be a safe place for my kids to grow up in."

Asked if he planned to be arrested, he said, "How can you be arrested for self-defense? I am

looking out for my future, and the future of my friends and relatives."

"I feel like we have followed all proper channels, and we have fallen short. To me it's just mind-boggling," said Erma Weaver of Landisville, who was clothed in a white sheet and carried a black bouquet. She said the white garment was a "symbol of the innocent people who are the victims of the accident" at the plant in 1979.

1985

Jan. 2: Licensing board Chairman Ivan W. Smith asks federal district court for lenient sentencing of Floyd Thornburgh, TMI Alert and NRC staff call for his dismissal.

Feb. 13: NRC votes 3-2 that no further safety hearings are needed before a restart decision.

March 14: GPU Nuclear asks NRC to allow testing and operation of TMI-1 steam generators without plugging hundreds of worn tubes.

March 19: Industrial leaders representing 40 companies and the state Chamber of Commerce ask Thornburgh to soften his opposition to restart.

March 26: NRC votes 5-0 in closed meeting not to disqualify Smith.

April 4: NRC votes 4-1 against petition to revoke GPU Nuclear license.

April 10: GPU Nuclear tests TMI-1 with non-nuclear heat.

April 11: Licensing board finds revamped training program "suitable," closing out cheating issue.

April 18: Union of Concerned Scientists urges analysis of steam generator tube rupture accident before restart. GPU Nuclear response: "Unrealistic."

April 25: Commonwealth, followed by TMI Alert, asks federal appeals court in Philadelphia to require further safety hearings.

May 3: Licensing board finds GPU Nuclear capable of safe operation.

May 8: NRC sets restart vote for May 29.

May 16: NRC rules out hearings or study on radiation health effects before restart vote.

May 20: Anti-nuclear activists promise to block TMI gates May 29 if NRC votes for restart. Others file new appeal with federal appeals court in Philadelphia, charging GPU Nuclear lacks required character to run TMI-1 safely.

May 22: NRC hears eleventh-hour appeals from Thornburgh and other public officials, anti-nuclear groups, NRC staff and plant operators.

The chronology: (cont. from page 2)

A2—The Patriot, Harrisburg, Pa., Thursday, May 30, 1985

Fight against restart ordered by governor

By David Morris
Patriot-News

Gov. Dick Thornburgh, calling the Three Mile Island restart vote "premature and irresponsible," yesterday directed state attorneys to petition a federal appeals court to overturn the decision allowing Unit 1 to resume operation.

The petition for review was filed with the 3rd U.S. Circuit Court of Appeals in Philadelphia.

"The [Nuclear Regulatory] Commission has not provided the commonwealth and its citizens with adequate assurances that TMI-1 can be operated safely, and these assurances cannot be provided at this time because the commission has not completed full hearings on the integrity of the management of TMI-1," the state said in its petition.

The document asks the court to order the NRC to hold further hearings and resolve outstanding management issues and then take another restart vote.

Thornburgh also called a rare news conference to criticize the NRC's 4-1 vote.

"Hundreds of thousands of our citizens who lived through the 1979 nightmare and who continue to live in the shadow of this plant deserve to have their concerns fully



Gov. Dick Thornburgh NRC vote "irresponsible"

ly addressed by the NRC," Thornburgh said. "The unwillingness of the commission to do that is, in my view, ill-conceived and inexplicable."

The governor said he believes nuclear power still has a role in America's energy future, but asserted that the public will not

See GOVERNOR—Page A9

Governor

From Page A1

agree with that if the commission "cannot do a better job of assuring the public that all health and safety concerns are being taken into consideration." For that reason, he said, he viewed the restart decision as a setback for the nuclear industry.

Despite his agreement with anti-nuclear activists on the restart issue, Thornburgh said he would not condone related illegal activities, including disruptions at the plant.

Like Thornburgh, local legislators were not surprised by the outcome, but they were disappointed.

"I think it's a dismal day in central Pennsylvania," said state Rep. Peter C. Wambach Jr., D-Harrisburg. "Obviously the NRC decided to ignore the concerns of the people."

State Rep. Bruce Smith, R-Newberry Twp., said the decision

demonstrated "bureaucracy at its worst," and he predicted public confidence in the agency and the plant would never be restored.

"Confidence lost is like virginity lost," he said. "Once it's gone, it's gone forever."

State Sens. John Shumaker, R-Grantville, and John Hopper, R-Camp Hill, said the public was ignored.

"[Residents] did not and still do not have a feeling of security from the way the plant has been operated and the matter has been handled," said Shumaker, who last year sponsored a Senate resolution urging that the restart decision be tabled until the safety and management questions were resolved.

NRC hit for allowing restart of Unit 1

United Press International

WASHINGTON — Senators criticized the Nuclear Regulatory Commission for allowing the undamaged reactor at Three Mile Island to restart, then authorized the agency to spend \$437 million in the next two years.

Sen. Gary Hart, D-Colo., said yesterday he doubts the reactor can be operated safely and he will keep close tabs on NRC decisions regarding the plant.

Hart led an investigation of a partial meltdown of Unit No. 2 at the plant in March 1979, the nation's worst commercial nuclear accident.

Although the NRC voted 4-1 to lift the shutdown order on the undamaged Unit No. 1, a federal appeals court has blocked the restart pending review of numerous legal challenges.

Hart also said the commission has "taken a giant step backward" by attempting to do more of its work in secret. Safety and the public interest are compromised when the commission makes decisions in private, he said.

Despite Hart's reservations, the Senate on a voice vote authorized the NRC to spend \$437 million in the next two years — \$8 million more than the administration requested but \$12.5 million less than the agency has now.

The increase restores the administration's proposed 5 percent pay cut for NRC employees, a reduction that was suggested for all civilian federal employees.



Hart

The Evening News, Harrisburg, Pa., Friday, June 14, 1985

Staff This Issue:
Editors
Ray Pickering
Joe Belcastro
TMIA Office Staff

Page 3.

Plaintiffs seek answers in GPU suits

By Mary Warner
Sunday Patriot-News

At the rate of more than 11 a day for the past 11 weeks, people have been filing suit in Dauphin County Court against the owners of Three Mile Island.

The suits claim the plaintiffs — or their spouses or parents or children — had cancer or birth defects or simply anxiety because of the 1979 accident at the Londonderry Twp. nuclear plant.

Most of the suits are not specific about the money they are seeking. But the collective expectations of those 632 plaintiffs is clearly millions and millions of dollars.

Still, in interviews, some of them talk about other motives.

A WOMAN who was pregnant when the accident happened hopes the litigation will reveal, once and for all, whether radiation caused the child's death.

A man who moved his family near the plant the year before the accident says he assuaged his conscience by suing on behalf of his wife's estate. She died of cancer in 1983.

A woman who had a stillborn child two years ago says she is making a public statement with her suit.

"I think [GPU Nuclear Corp.] should realize how serious this is," said Linda Fortna of Dauphin. "If enough people sue, maybe they will take notice."

THIS SECOND wave of TMI personal injury suits already is twice as large as the first wave — which came in the first three years after the accident.

And there is no reason to think the current wave of suits is over.

Stories about new TMI suits frequently prompt calls to The Patriot-News Co. and to the prothonotary's office at the courthouse.

People want to know whom to contact to file their own suits.

Plaintiffs say attorneys are handling the cases on a contingency fee basis: The attorneys will get their fees if the plaintiffs win.

EIGHT OF 10 plaintiffs interviewed recently said they filed suit after they read or heard about other people doing it — or about the out-of-court settlements in February that ended most of the earlier claims.

"To be honest, I was not aware anything like this was even allowed, until I read in the paper where people had gotten settlements," said Carolyn Loranzo of Middletown, one of 43 plaintiffs on the first of the recent suits.

Loranzo and her husband, Nicholas, sued because their child was deformed and died shortly after birth. She said she was three months' pregnant when the accident occurred.

"What I'm hoping mostly for is to find out whether this really did deform my baby," she said.

THE 10 plaintiffs interviewed were among 19 contacted. The other nine refused to talk.

A woman who asked not to be identified said her husband was harassed by fellow workers after a news story appeared about their suit on behalf of their 5-year-old son. He has learning disabilities, asthma and a skin disorder.

"They said, 'You're really going out for big money for yourselves,'" the woman said. "[But] the money that we get, if we get anything, we would put away for him. . . . We work with him constantly, but he may never be able to take care of himself."

She said her son's doctors had laughed at her concerns that TMI was the cause of his problems. But

See TMI—Page A9

From Page A1

she was not dissuaded. "What's to say it isn't?" she asked.

JAMES BEAVER, a soft-spoken postal worker from Middletown who sued as administrator of his wife's estate, was one of the plaintiffs who seemed eager to talk.

Rita Beaver died in 1983, at age 42, of cancer that had been in remission for seven years and reappeared six months after the accident, he said.

The year before the accident the family had moved 75 miles downriver to Middletown, near the plant, to follow his job.

"I've done a lot of soul-searching. I had to do what I had to do to clear my conscience, because I'm convinced the accident caused her problem," Beaver said. "If I don't get a nickel, I'll have a clear conscience now."

injury was "significantly" increased by the defendant's conduct.

It isn't clear whether the court would consider an increase from 50 to 75 to be "significant," Ackerman said.

WHEN A CASE involves that kind of "unsettled law" and hotly contested facts, it may be more likely to go to trial, Ackerman said. That's because "the parties have less of a data base" for assessing their positions in an out-of-court settlement.

But he added: "If the parties are risk-averse, they may be that much more scared" of a trial and choose to settle.

The suits also could be thrown out of court for various legal reasons. For example, GPU has ar-

gued that the plaintiffs waited too long to sue, under Pennsylvania law.

At any rate, Ackerman said, the cases could be in court for years.

THE RECENT suits join seven similar ones pending in Dauphin County Court after four years. Those suits — most of them filed by attorney F. Lee Bailey — also claim personal injuries from the accident.

Most of the 300 or so personal injury claims filed in the first years after the accident were settled early this year, according to TMI's insurance company.

About 70 of the settlements, totaling \$3.9 million, became public in February because they involved children and required court

approval. Amounts of the other settlements never were revealed.

The largest known settlement was \$1 million for a 5-year-old child who has Down's syndrome.

THE CHILDREN were represented by attorneys Lee Swartz of Harrisburg or Louis Tarasi of Pittsburgh — who also have filed almost all of the recent suits.

Attorneys for the insurance companies said the settlements were made to avoid the expense of trials and were not an admission that anyone was injured by the accident.

Ackerman said lawyers considering an out-of-court settlement assess the legal strength of the case — whether it is sufficient to get to a jury in the first place — and the nature of the potential jury

'If I don't get a nickel I'll have a clear conscience'

— whether it is "likely to be swayed by a sentiment."

BUT THERE are other considerations besides the potential outcome of a trial, he added. GPU and the other defendants may have wanted to avoid "weeks and weeks of testimony regarding this poor child with Down's syndrome, even if they didn't believe in any link" between the child's disorder and the accident.

"I'm not that quick to read [the settlements] as an admission of liability," Ackerman said.

The professor, who is on an American Arbitration Association panel, said he would like to see the recent TMI suits go to mediation. Mediation is "more and more in vogue" in settling commercial disputes that would otherwise be

in court, he said, and he said personal injury cases such as the TMI suits would also make good candidates for mediation.

Ackerman did not deny that trials on the TMI suits would be a valid use of the judicial system — both to settle the "unsettled law" involved in the cases and to meet the desire of some plaintiffs to "put GPU through this."

ON THE OTHER hand, he said, mediation might be more efficient and might provide a better forum for the parties to discuss those "issues that don't necessarily reduce themselves to dollars and cents."

"As somebody who lives in this area, I wouldn't mind hearing an apology from GPU," Ackerman said. And he speculated that some of the plaintiffs feel the same way.

Urgent

Read Immediately

'ISLAND UPDATES'

THREE MILE ISLAND ALERT
315 Peffer Street
Harrisburg, PA 17102

NON-PROFIT ORG.
U.S. POSTAGE

PAID

Harrisburg, PA
Permit No. 807

YOUR FINANCIAL SUPPORT IS ESSENTIAL IF THE UPDATES IS TO CONTINUE !!!

Please fill out and return - if you haven't already!

NAME/ORGANIZATION _____

ADDRESS _____

Collection Laka foundation
ZIP _____

Enclosed is a check for \$5.00 for 12 months of UPDATES. laka.org
Make check payable to: Three Mile Island Alert Digitized 2018

315 Peffer Street, Harrisburg, Pa., 17102

TMIA: THREE MILE ISLAND ALERT, INC.

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

June 17, 1985

Dear members and supporters,

What a wonderful milestone !!

We have been successful in winning a stay to keep TMI Unit 1 shut until the 3 judge panel of the U.S. Court of Appeals for the Third Circuit issues a decision sometime after oral arguement is heard June 27th.

We expect the appeals court to vacate the NRC's recent restart order, to remove Chairman Ivan Smith from the NRC Licensing Board hearing the TMI case because of his demonstrated bias, and to order new hearings into plant safety and GFU's management integrity. Member intervenors Louise Bradford and Joanne Doroshow, Esq. are currently being assisted by Lynne Bernabie, Esq. and George Shohet, Esq. of the Government Accountability Project, Wash. D.C.

We have also succeeded in getting Governor Thornburgh to join in appealing the NRC restart proceeding. The Union of Concerned Scientist and Marjorie & Norman Aamodt have also filed petitions with the Court. Currently TMIA is the lone area group representing Central Pennsylvania residents.

Please continue your support by giving a generous financial contribution.

In the next 6 months we must raise a minimum of \$10,000 for court costs alone. Additionally, thousands more must be raised to maintain an office so public outreach and political lobbying can continue.

TOGETHER WE MUST KEEP TMI CLOSED.

TMIA Planning Council
Vera Stuchinski, Chairperson

Tear off and return to: TMIA, 315 Peffer St., Hbg., Pa., 17102

Name _____ Phone _____

Address _____

Here is my tax deductible donation to 'TMI Legal Fund'

_____ \$15 _____ \$20 _____ \$50 _____ \$75 _____ \$100

TMIA membership: _____ \$15 Regular membership _____ ^{#5} Low Income
_____ \$50 Sustaining member _____ \$5 Non-member newsletter sub.
Island Updates dues _____ \$5 _____ other