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UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, D. C. 20555

DOCKET  
 UNIT

September 13, 1984

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50-289-SP

DOCKETING & RE  
 BRANCH

The Honorable John Heinz  
 United States Senate  
 Washington, D.C. 20510

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Dear Senator Heinz:

This responds to your letter of August 15, 1984 in which you urged the Commission not to make a decision on the restart of Three Mile Island Unit 1 (TMI-1) until: (1) the safe cleanup of TMI-2 has been ensured; (2) hearings have been held on the concerns raised by the Appeal Board in its decision of May 24, 1984 (ALAB-772); and (3) emergency response difficulties have been resolved.

The Commission shares your concern about the pace of the cleanup effort and in many forums has advocated that cleanup be conducted as promptly as possible consistent with public health and safety. As you are undoubtedly aware, at the time the Commission ordered TMI-1 shut down, one of its concerns was whether cleanup activities at TMI-2 would affect the safe operation of TMI-1. The Commission in its Order of August 9, 1979, which established the scope of the restart proceeding, directed the Atomic Safety and Licensing Board to address the question whether decontamination operations at TMI-2 would affect safe operation of TMI-1. After considering the evidence presented in the proceeding, the Licensing Board in its Partial Initial Decision of December 14, 1981 ruled that, subject to licensee's compliance with four conditions, Units 1 and 2 were sufficiently separated so that the cleanup of Unit 2 should not interfere with the safe operation of Unit 1. No party to that proceeding appealed those findings. We also note in this regard the recent Edison Electric Institute decision to waive the \$100 million requirement before utility contributions would begin, which should provide significant additional money for the cleanup.


The second issue you raise concerns the Appeal Board's decision in ALAB-772 to reopen the record on three issues related to management competence and integrity -- the adequacy of licensee's training program, TMI-1 leak rate measurement practices, and the truthfulness of a mailgram that GPU President Herman Dieckamp sent to Congressman Udall in 1979. On September 11, 1984 the Commission issued an order (enclosed) taking review of the Appeal Board's decision to reopen the record on these issues. The Commission indicated that it would make the decision whether the record should be reopened on management issues and, if so, what the scope of further hearings should be. The Commission also stated that it had decided not to rule on whether to lift the immediate effectiveness of the 1979 shutdown orders until after it has decided on what further evidentiary hearings, if any, are required in the restart proceeding.

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Finally, the Commission is concerned with the deficiencies that the Federal Emergency Management Agency (FEMA) found in a recent emergency response drill. The NRC staff has informed the Commission that because of these deficiencies it is currently unable to certify to the Commission that a condition relating to emergency planning imposed by the Licensing Board as a condition of any restart has been satisfied. There will be emergency response drills held in September and October, 1984, one purpose of which will be to determine whether the deficiencies have been corrected.

Sincerely,

A handwritten signature in cursive script, reading "Nunzio J. Palladino".

Nunzio J. Palladino

Enclosure:  
As stated



Washington, D.C. 20510

August 15, 1984

Committees:  
Aging  
Finance  
Banking, Housing and  
Urban Affairs  
Energy and Natural Resources  
84 SEP 17 110:56

Nunzio J. Palladino, Chairman  
Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Dear Chairman Palladino and Members of the Commission:

As the Nuclear Regulatory Commission continues deliberations concerning the status of Three Mile Island Unit 1, I repeat my strong support for the positions taken by Governor Dick Thornburgh in his letter of June 14, 1984 to the Commission on behalf of the Commonwealth of Pennsylvania.

More than five years after the accident, progress on the clean up of TMI Unit 2 has been too long delayed. In fact, there still are no assurances that funding for the decontamination and clean up of TMI Unit 2 will be forthcoming, and that the highly radiated materials can be removed in the near future. Under these circumstances, any decision on the future of Unit 1 must be dependent on resolving the present potential health and safety hazard existing in Unit 2. The danger to personnel working at Unit 1 prior to significant progress in the clean up of Unit 2 would simply be an unacceptable risk which the Commission must address in any restart proceedings.

Beyond the safety hazards are serious unanswered questions highlighted by the Appeal Board in its decision of May 24, 1984. The Appeal Board recommended further fact finding proceedings concerning management integrity and cheating issues, and I call on the Commission to follow the direction of the Appeal Board and bring these matters to a convincing conclusion.

Finally, and of great importance to the area residents, there are the emergency response difficulties highlighted by the Federal Emergency Management Agency in a recent test conducted in the Harrisburg area. With the serious potential safety hazard existing in Unit 2, your Commission must resolve these deficiencies prior to any restart determinations.

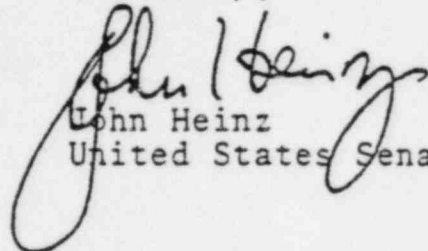
8/15 ...To OGE for Appropriate Action...Chm, Cmrs, SECY, RF,  
Docket, EDO..OCA to Acknowledge...84-0833.

84-0822-0296 PDR

Chairman Nunzio J. Palladino  
August 15, 1984  
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For all the above reasons, I urge in strongest terms that Commission consideration of any restart of nuclear power generation at Three Mile Island is not appropriate at this time and should not occur unless and until all steps have been completed to ensure the complete clean up of the damaged facility and to ensure the health and safety of the people of central Pennsylvania.

Sincerely,



John Heinz  
United States Senate

JH/jtog