

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

## No. 168

Session of  
1983

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INTRODUCED BY B. SMITH, WAMBACH AND KUKOVICH, DECEMBER 14, 1983

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REFERRED TO COMMITTEE ON RULES, DECEMBER 14, 1983

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### A RESOLUTION

1 Urging the Nuclear Regulatory Commission to delay restart of  
2 TMI-1 until adjudicatory proceedings are completed.

3 WHEREAS, On March 28, 1979 the worst accident in the history  
4 of the United States commercial nuclear power program occurred  
5 at the Three Mile Island Nuclear Power Plant located in the  
6 County of Dauphin of the Commonwealth of Pennsylvania; and

7 WHEREAS, On July 2, 1979, the United States Nuclear  
8 Regulatory Commission ordered the Three Mile Island Unit 1  
9 reactor to remain shut down until hearings certifying the safe  
10 operation of the plant could be proven; and

11 WHEREAS, On August 9, 1979, the United States Nuclear  
12 Regulatory Commission appointed an Atomic Safety and Licensing  
13 Board to determine whether there was reasonable assurance TMI-1  
14 could be operated without endangering the public's health and  
15 safety; and

16 WHEREAS, On August 27, 1981, the Atomic Safety and Licensing  
17 Board ruled that the Three Mile Island management had the  
18 requisite competence and integrity to safely open TMI-1; and

1       WHEREAS, On October 2, 1981, the Atomic Safety and Licensing  
2 Board reopened the Management hearings to investigate  
3 allegations that cheating had occurred on TMI operator licensing  
4 exams; and

5       WHEREAS, On April 28, 1982, the reopened proceeding's Special  
6 Master concluded that a number of management personnel at Three  
7 Mile Island had engaged in cheating and wrongdoing, that the  
8 overall integrity of the operations staff was inadequate, that  
9 the company response to certain cheating incidents was  
10 inadequate, that the company submitted a "false material  
11 statement" to the Nuclear Regulatory Commission; and

12       WHEREAS, On May 18, 1982, voters in a nonbinding referendum  
13 in three of the five counties surrounding Three Mile Island  
14 expressed their opposition to the restart of TMI by a 2-1  
15 margin; and

16       WHEREAS, On May 19, 1983, the United States Nuclear  
17 Regulatory Commission's staff withdrew its support for General  
18 Public Utilities' management based on the following five open  
19 issues:

- 20           (1) the veracity of the Hartman allegations;  
21           (2) statements in the Babcock and Wilcox trial record;  
22           (3) the Parks/King/Gischel/Wenger allegations;  
23           (4) the substance of the BETA and RHR reports; and  
24           (5) whether GPU failed to promptly notify the NRC of the  
25 BETA and RHR reports; and

26       WHEREAS, On June 28, 1983, the United States Nuclear  
27 Regulatory Commission issued a memorandum stating that they were  
28 "unable to decide the management issues at that time" and that  
29 they would "await the completion" of the ongoing Nuclear  
30 Regulatory Commission investigation; and

1       WHEREAS, On August 31, 1983, the ASLB reopened the restart  
2 hearings to examine the Hartman allegations concerning leak rate  
3 falsifications on Unit 2 preceding the 1979 accident; and

4       WHEREAS, On November 7, 1983, the United States Department of  
5 Justice indicted Metropolitan Edison Corporation for falsifying  
6 leak rate data and destroying documents before the accident, in  
7 violation of their license, NRC regulations and the Federal  
8 Criminal Code; and

9       WHEREAS, On December 5, 1983, the NRC staff recommended that  
10 the NRC commissioners permit restart of TMI-1 at 25% power on  
11 February 1, 1984, and unresolved management competence and  
12 integrity issued be decided at a later date; and

13       WHEREAS, The NRC commissioners will be considering the  
14 aforementioned staff recommendations at a future meeting or  
15 meetings; therefore be it

16       RESOLVED, That the House of Representatives of the  
17 Commonwealth of Pennsylvania hereby urges that the NRC  
18 commissioners Palladino, Asselstine, Gilinsky, Roberts and  
19 Bernthal adhere to due process and delay any decision on the  
20 restart of TMI-1 until all criminal, civil and administrative  
21 issues are resolved in full adjudicatory proceedings.