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Three Mile Island Resources

Title: Three Mile Island Alert Newsletters, 1996

Date: 1996

Location: TMI-Hurst

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TMI

March 1996

Three Mile Island Alert

The Newsletter of Three Mile Island Alert

March 1996

Nuclear Utilities Want to Rewrite Nuclear Waste Laws

from NIRS

The U.S. Congress is in the process of making sweeping changes in the Nuclear Waste Policy Act (NWPA), the law governing high-level radioactive waste produced by commercial nuclear power reactors and some nuclear weapons wastes. The new proposals, embodied in HR 1020 (Upton-MI) and S 1271 (Craig-ID) would mandate the movement of high-level waste -- irradiated fuel -- away from reactor sites to a "temporary" pad, like a parking lot, at Yucca Mountain in Nevada.

This shift in policy constitutes the de facto selection of Yucca Mountain for the permanent depository, even though the site is still under study, and even though serious questions remain as to the suitability of Yucca Mountain as a permanent repository. The changes in legislation would also transfer the ownership of the waste and all liability associated with the waste to the U.S. taxpayer before there is a plan for permanently storing the waste, thus relieving the nuclear utilities from any role in future steps beyond a parking lot in Nevada.

The changes to the NWPA would trigger tens of thousands of shipments of high-level radioactive waste across 43 states in a program

that would start as soon as 1998 and continue for 30 years or more. The proposals also weaken existing radiation and environmental standards.

The House bill, HR 1020, introduced by Fred Upton of Michigan, was written by the Nuclear Energy Institute, the lobbying arm of the nuclear power industry. The utilities are facing the problem in that each time they refuel the reactor, they must store the irradiated waste fuel in on-site storage pools. These storage pools are quickly filling up and several nuclear plants across the country are threatened with having to close unless they find someplace to dump their spent fuel. HR 1020 gives the beleaguered industry a place to dump its radioactive waste.

While proponents of changes to the NWPA argue that the temporary storage site is a safer way to store radioactive waste than the current storage system, the proposal is really just a shell game. Ironically, the technology to be used at the temporary storage site is the same technology that is being used at a number of nuclear plants that have run out of pool space already. The proposal puts the problem of

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Supreme Court Allows Three Mile Island Suits to Continue

from UPI

On February 26, 1996, the U.S. Supreme Court refused to review a lower court ruling that allows personal injury suits arising out of the 1979 nuclear accident at Three Mile Island. More than 2,000 people have filed suits in which they claim to have suffered some type of injury caused by exposure to radiation from the power plant accident in Dauphin County, Pa. A number of businesses have also filed suit against the owners and operators of the nuclear facility.

The defendants, a group of power companies, contended in federal court that while the release of radiation at the site exceeded permissible limits, the plaintiffs lived far enough away so that none of them was exposed to radiation in excess of those limits. "The dose to the population surrounding TMI was investigated by several federal and state agencies," the power companies said in a brief to the Supreme Court, "all of which agreed that the environmental monitoring surrounding the site confirmed that the highest exposures in populated areas were below 100 millirems." Federal regulations permit exposures of 5,000 millirems -- measurement units of radiation -- on site per year.

The Third Circuit Court of Appeals in Philadelphia eventually held that, in personal injury suits, the plaintiffs were only required to show that a release at

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Three Mile Island Alert
315 Peffer Street
Harrisburg, PA 17102

Three Mile Island Alert

Three Mile Island Alert (TMIA) is a non-profit citizens' organization dedicated to the promotion of safe-energy alternatives to nuclear power, especially the Three Mile Island nuclear plant.

Formed in 1977 after the construction and licensing of TMI Unit-1 and the construction of the infamous Unit-2, TMIA is the largest and oldest safe-energy group in central Pennsylvania.

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This newsletter is published approximately 6 times per year.

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Robert Pollard Retires From UCS

from Nuclear Monitor

Robert Pollard retired as Senior Nuclear Safety Engineer of the Union of Concerned Scientists (UCS) at the end of 1995. For nearly 20 years, Pollard had been the most knowledgeable, and probably the most effective activist in the safe energy movement.

When Pollard left his job as NRC project manager at Indian Point in February 1976, the effect was dramatic and immediate. *60 Minutes* broadcast the first notice that a high-level NRC employee was quitting his job to join the anti-nuclear movement. Newspaper headlines quickly followed, and the nation's discomfort with nuclear power began to grow.

Pollard played a major role in nearly every reactor closing over the past decade, including Rancho Seco, Trojan, and Yankee Rowe. And his work exposing safety problems at other reactors, most recently Maine Yankee, has left utility executives sputtering -- and the public a lot safer.

"His experience as a former NRC inspector turned public safety advocate is irreplaceable," said Paul Gunter, director of NIRS' Reactor Watchdog Project. "Bob Pollard will be sorely missed by nuclear watchdog groups." Pollard says he doesn't know what he will do next, but that it will be neither "illegal nor pro-nuclear."

(Continued from page 1)

the TMI boundary site exceeded federal limits, that they were exposed to some radiation (not necessarily the limit) and that they suffered some injuries caused by the radiation. The power companies asked the Supreme Court to review the appellate court ruling. They contended that the Nuclear Regulatory Commission has determined that some radiation exposures are permissible, and that the appellate court decision was contrary to federal regulations and the principles of injury law, as determined by U.S. court decisions.

The Supreme Court denied review in a one-line order without comment, allowing the injury cases to go forward. Ten "test cases" are scheduled to begin this June in U.S. Middle District Chief Judge Sylvia Rambo's Harrisburg courtroom.

The companies asking for Supreme Court review were General Public Utilities Corp., Metropolitan Edison Co., Jersey Central Power & Light Co., Pennsylvania Electric Co., Babcock & Wilcox Co., McDermott Inc., Raytheon Constructors Inc., Burns & Roe Enterprises Inc. and Dresser Industries Inc.

(see related story, "Expert 'Meltdown' Hits TMI Lawsuit," page 6)

Please renew your TMIA membership

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Membership: ☐ \$20 Regular Member ☐ \$50 Sustaining Member
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Checks of \$50 or more can be made payable to the TMI Legal Fund for tax deduction purposes.

RETURN TO: TMIA, 315 Peffer Street, Harrisburg, PA 17102

The official registration and financial information for Three Mile Island Alert may be obtained from the PA Department of State by calling toll free, within PA, 1-800-732-0999. Registration does not imply endorsement.

New Poll Finds Most Americans Want Independent Commission, Not Interim Storage

from Nuclear Monitor

A new public opinion poll says that 70% of the American people would like to have an independent blue-ribbon commission to re-evaluate the nation's radioactive waste program. That is compared to only 27% who preferred the nuclear industry's current solution: building a nuclear waste cask parking lot near Yucca Mountain, Nevada.

The question, commissioned by NIRS, Safe Energy Communication Council, and Greenpeace, was part of a larger poll conducted by the Sustainable Energy Budget Coalition. The poll presented an either/or question: i.e., which of the two options do you prefer? The poll was conducted by GOP pollster Vincent Breglio during early December 1995. The survey has a margin of error of +/-3.1 percent.

The poll results straddled party lines, geographical area, political affiliation, and other normal differences. However, there was a 12 point difference between men and women on the issue. While 76% of women supported the commission over interim storage, only 63% of men did--still a healthy majority.

The poll result was released at a Washington press conference January 18. Said Scott Denman, executive director of SECC, "Our message today is clear: while the nuclear industry wants a quick fix to the problem of nuclear waste storage, voters want a solution their grandchildren can live with." Also speaking at the press conference were representatives from NIRS, Greenpeace, and the Nuclear Waste Citizens Coalition.

In other poll results, by a 55% majority, the public said that renewable energy and energy efficiency technologies should receive the Department of Energy's highest priority for funding; only 8.5% chose nuclear power. Similarly, 30.5% said nuclear power should be the first choice of budget-cutters, with fossil fuels coming in second at 20.3%, then renewable energy (13.5%), natural gas (4.9%), and energy efficiency (4.1%).

In another question, 71% of the public disagreed with the statement that federal funds should be used to develop

a new generation of nuclear reactors. Meanwhile, a Nuclear Energy Institute poll conducted around the same time found that 68% of the public says we should keep the nuclear option "open." Significantly, the question did not address the issue of taxpayer funding. Moreover, only 12% believed new nuclear reactors should be built now.

The new poll results should give additional pause to the co-sponsors of HR 1020 and S 1271, which would implement the nuclear industry's plan to move high-level radioactive waste from reactor sites to a Nevada parking lot. A vote on HR 1020--originally expected last summer--still has not been scheduled, although it could come up early in the new Congressional session. But many co-sponsors apparently signed on without fully understanding the bill's implications. In December, the Clinton administration announced its opposition to any "interim" waste storage schemes at the present time.

WHAT YOU CAN DO

You've probably done it before, but if not (actually, even if you have), contact your Congressmembers and express your opposition to HR 1020 and S 1271. Send them the results of this reliable public opinion poll.

Question:

Congress is considering changing the nuclear waste law. Two plans are being proposed.

Plan A under consideration would permit the transportation by rail and truck, in the near future, of radioactive waste from nuclear reactors around the country to a temporary, above-ground storage site in Nevada until a permanent solution can be found. Plan B under consideration calls for the immediate formation of an independent review commission to find new solutions to storing radioactive waste before any of it is transported around the country.

Which of these plans do you support?

Plan A: 26.6%
Plan B: 69.7%

(Continued from page 1)

radioactive waste off the reactor site -- out of site, out of mind -- and relieves the utilities of any liability for the radioactive waste they created. The only net change in safety is the increased hazard of transporting tens of thousands of shipments of radioactive waste through 43 states.

The Senate bill, S 1271, introduced by Larry Craig of Idaho, is similar to HR 1020, but includes broad preemption of state authority over any part of the program, including the transportation of high-level nuclear waste through your state.

HR 1020 has been at a standstill because of revisions made by the House Commerce Committee that change how the programs are funded and that trigger House Budget Act provisions ("pay-as-you-go"). The sponsors of the bill would not bring it to the floor until budget matters were resolved. Now it seems that in March they will try to use the House FY-97 Budget Resolution to insert a "fix." The idea is to collect a fee retroactively on electricity generated by reactors prior to the original NWPA to pay for this "temporary" dump. If approved, HR 1020 is likely to go to the House floor soon thereafter. S 1271, which is still in the Senate Energy committee, is likely to come to the Senate floor in 1996.

WHAT YOU CAN DO:

⇒ In December, the Clinton Administration went on record in the Senate Energy Committee hearing as opposing the current legislation. Support them! Write President Clinton's Council on Environmental Quality, Old Executive Building, Room 360, Washington, DC 20501. Or call (202) 456-1414.

⇒ Call your U.S. Representative and Senators. Capitol Switchboard: (202) 224-3121.

⇒ Join the Nuclear Waste Citizen's Coalition for Citizen's Lobby Days on Radioactive Waste, April 14-17. For more information, call Mary Olsen at Nuclear Information and Resource Service (202) 328-0002.

Watts Bar Goes Critical

from Nuclear Monitor

The Tennessee Valley Authority's (TVA) Watts Bar-1 reactor--the last commercial nuclear plant in the United States--reached its initial criticality January 18, 1996. On January 31 the NRC Commissioners held a meeting on a full-power license for Watts Bar. The Commissioners declined to give the reactor a license at that time. On February 6, 1996, however, the NRC gave permission for Watts Bar to operate at full power.

Originally planned as a two reactor unit complex, Watts Bar received its construction permit in 1973. At the time, TVA was engaged in the most aggressive nuclear construction program in the country, with plans to build 17 large nuclear reactors. In reality, TVA managed to build only six of them, and three, at Browns Ferry, Alabama, were closed for nearly a decade due to safety problems and mismanagement. One of the Browns Ferry reactors remains closed.

TVA first sought a low-power license for Watts Bar in 1985. Whistle blower allegations about thousands of safety deficiencies at the reactor, however, and the general collapse of TVA's nuclear program, delayed license approval for 10 years.

Even now, whistle blower allegations of safety problems linger. Is Watts Bar already an aging reactor? A key question for TVA economically, and for Watts Bar from a safety perspective, is whether--considering the reactor's unprecedented 23-year construction time--this is already an aging nuclear reactor.

Even before initial criticality was achieved, the NRC seemed to be saying that Watts Bar is an old reactor not subject to today's rules. In an investigation of Watts Bar's fire protection capabilities, NIRS learned that the reactor is using a flammable material to protect

against fire in plant penetration seals. NRC fire protection regulations, adopted in 1980 following a fire at TVA's Browns Ferry reactor in 1975, prohibit the use of flammable materials in penetration seals. The Browns Ferry fire, which nearly led to a nuclear meltdown, began in a penetration seal using flammable material.

NIRS has sent letters to the NRC staff and NRC Chairwoman Shirley Jackson warning that Watts Bar is not in compliance with the NRC's own regulations. Although NIRS has not received a reply from Jackson, in an interview with the trade publication *Inside NRC*, the agency's senior fire protection engineer Patrick Madden said that Watts Bar is exempt from the regulations, since it received its construction permit in 1973--before the regulations were implemented.

Madden argued that the rules were intended to apply only to new reactors built after 1980. No viable reactors have been ordered since 1973, and Madden admitted to the publication that he could not name a single reactor that meets the federal regulations.

But another staffer said that a different rule may apply to Watts Bar. That staffer, Conrad McCracken, said in a December 21, 1995, letter to NIRS that the flammable penetration seal material is an "acceptable deviation" from the rules. In other words, the NRC may not agree even among itself on its legal basis to license Watts Bar, but the agency is determined to do so regardless of the basis. And the public, which generally assumes that the NRC at least plays by its own rules, won't know that when it comes to nuclear reactors, the rules are made to be broken.

Peace Prize Goes to A-Bomb Scientist Who Turned Critic

from Greenwire

On October 13, 1995, British physicist Joseph Rotblat and the Pugwash Conferences on Science and World Affairs were jointly awarded the Nobel Peace Prize for their efforts to end the use of nuclear weapons. The prize "stands as a 'protest' against French and Chinese nuclear testing," the chairman of the Norwegian Nobel Committees, Francis Sejersted, said.

The Pugwash Conferences, named after the Canadian village in Nova Scotia where the first such meeting was held in 1957, bring together scientists for meetings several times a year on such issues as the spread of nuclear and chemical weapons.

During World War II, Rotblat worked on atomic bomb research at the secret government laboratory in Los Alamos, but walked out in March 1944 when its director, Gen. Leslie Groves, told him that the real purpose of the bomb would be to counter the Soviet Union. Rotblat, together with Albert Einstein and Bertrand Russel, was one of the founders of Pugwash. In interviews after winning the Nobel, Rotblat used the occasion to express his "outrage" at France's recent nuclear tests in the South Pacific.

Blaze Extinguished at Limerick Nuclear Plant

from the Associated Press

On December 10, 1995, a blaze that burned for 12 minutes in a diesel generator compartment at the Limerick nuclear plant prompted the plant to declare a low-level emergency situation. PECO Energy Co. declared an unusual event at the plant when the fire was detected in an overhead lighting fixture in one of the plant's diesel generator compartments. The fire was extinguished after plant operators cut the power flow to the light fixture. The cause was under investigation.

Both Limerick plants continued to operate at 100 percent power. Plant equipment was undamaged, and the company ended the unusual event after about 30 minutes.

NRC Faults TMI's Security but Decides Against Fine

from Patriot-News

The Nuclear Regulatory Commission has cited GPU Nuclear, the operator of the Three Mile Island nuclear plant, for failing to maintain plant security during a four-day period in September 1995. No fines were imposed against GPU Nuclear, but a level-four violation, the lowest level the NRC issues, was lodged against the company.

GPU Nuclear was cited for four violations that occurred between September 12 and September 15. The company failed to have a security guard present while work was being done on a piece of equipment outside the plant's fenced-in security area. The guards were needed, according to the NRC, because the work "resulted in the existence of three, and the potential for a fourth, unmonitored and unprotected pathway" through a pipeline into a high-security area of the plant.

Diane Screncio, spokeswoman for the NRC regional office in Philadelphia, said the incidents were not considered serious enough to warrant a fine. The NRC weighed several factors to support that decision, including: GPU Nuclear has had no violations for the last two years, the problems were discovered and reported by the company, and GPU Nuclear took swift action to correct the problem.

Eric Epstein, spokesperson for Three Mile Island Alert, said he was disappointed by the NRC's action. "The NRC thought the safety significance was low, but we saw systemic inadequacies that warranted a penalty." Had the violation concerned a single incident, Three Mile Island Alert would have concurred with the NRC, but in this case there were four violations, Epstein said.

Security concerns are paramount at commercial nuclear plants because of the threat of terrorist attacks. GPU Nuclear has spent more than \$1 million to upgrade security at TMI, including steel barriers to prevent truck bomb assaults.

Security Problems are Nothing New at TMI

by Scott Portzline, TMIA Security Committee Chairman

In September 1995, four security breaches of the protected boundary at TMI were discovered while the reactor was shutdown for refueling. Potential pathways into the protected area were left unguarded. These gaps highlight ongoing problems of lax security at TMI and the nuclear industry at large. Although the NRC has a history of telling Congressional oversight committees that it is improving security, last winter the NRC decided to reduce security regulations during refueling periods. These reductions were intended to save money and allow contractors to move about the plant without pausing for what the industry claims are redundant security checks.

These reductions combined with recent cutbacks in security personnel at TMI are a bad idea. During refueling outages, incoming traffic increases dramatically and many workers re-enter the protected and vital areas without a proper security check. The NRC has lowered its previous standard while trying to assure the public that all is well. It is worth noting that all but one of the more than 120 sabotage incidents at US nuclear plants have been perpetrated by insiders.

Three Mile Island reduced its security staff by about six persons during 1995. (The actual size of the security staff is considered safeguarded material.) Personnel were terminated despite a 1993 vehicle intrusion which revealed a vulnerability to terrorist attacks. That incident involved a 31-year-old man who drove a station wagon into the guarded entrance at Three Mile Island, crashed through the protected area fence and then through the turbine building door. He exited the car, descended a ladder and hid for nearly four hours before being apprehended. Upon reviewing the events, an NRC Incident Investigation Team (IIT) found more than 40 problems with security at TMI and concluded that the TMI security staff would not have precluded a hostile intruder from reaching and attempting to enter the vital areas. Still, the IIT reported to the NRC that TMI had responded "appropriately."

June of 1995 marked the twentieth anniversary of allegations by two TMI

guards that "sabotage would be easy" (Harrisburg Independent Press, 6/13/75). The guards, along with Ralph Nader, described the problems at TMI during a press conference in Washington DC. Among the allegations, the two guards said that more than 300 keys for one security gate had been disseminated to truck drivers and other contractors. The men revealed that security logs and guard qualifications were falsified on many occasions. They also said that security cameras at TMI were of such poor quality that guards not only didn't watch them, but turned them off to save electricity. Ralph Nader called security within the nuclear industry "a sham" and requested an investigation of all plants.

The revelations of the two guards and Nader led to several investigations by Congress and the US Government Accounting Office (GAO) in the late 1970s. The GAO agreed with the two TMI whistle-blowers and testified to the severity of the problems in a report titled "Security At Nuclear Powerplants - At Best, Inadequate." The NRC responded in 1980 with a report called "Development of a 'Good' Physical Protection Plan/ Capability." Their title seemed to be an admission of lax security.

Since the 1970's, there have been several congressional hearings. In each case, the oversight committees are disturbed by the lack of improvement and the lackadaisical attitudes of the NRC. The pattern has been continuing for over two decades and now regulations are being eased at a time when domestic terrorism is increasing. TMIA is hoping for another investigation; one which will result in improvements that are terribly overdue.

(Scott Portzline has testified to the NRC, US Senate, PA House of Representatives, and the Advisory Committee on Reactor Safeguards. Ten months before the 1993 TMI intrusion, he warned an NRC Advisory Panel that security at TMI was poor.)

Expert "Meltdown" Hits TMI Lawsuit

from *Pennsylvania Law Weekly*

Performing what she called a "gatekeeping" function, Middle District of Pennsylvania District Judge Sylvia Rambo slammed the gate shut on most of the plaintiffs' expert testimony about radiation dosage from the world famous 1979 Three Mile Island accident and the harm it caused.

In *In Re TMI Litigation Cases Consolidated*, Judge Rambo did a hands-on review of the science supporting the reports of 11 of plaintiffs' experts on subjects ranging from nuclear science and health physics to tree studies and meteorology. By the time she was finished ruling on defense motions in the 8-year-old class action suit, all or most of what eight experts had to say was out, and the testimony of two others was left dangling.

Only one expert survived the cut unscathed --Dr. Vladimir A. Shevchenko, an expert on the cellular effects of radiation on plants. Shevchenko had experience at the Chernobyl nuclear accident site and offered theories connecting changes in trees to the TMI accident.

In making her ruling, Judge Rambo steered clear of the discarded "general scientific acceptance" test and keyed in on the new multi-factored "reliability" standard, usually thought to be more forgiving and inclusive. But instead of producing more liberal use of experts, the analysis had the opposite effect here.

In Shevchenko's case, the factor that counted most in letting in his testimony was his high level of expertise. "Since the early 1960s," the opinion said, "Professor Shevchenko has been involved almost exclusively in studying the aftermath of nuclear accidents and nuclear testing at Kyshtym, the Eastern Ural Radiation Belt Region, Chernobyl, Semipalatinsk Polygon, and the Altai Region," the court said. "Thus, what his testimony may

lack in rigid conformity to technical standards is amply counterbalanced by his extensive expertise." The court let in Shevchenko's estimate of radiation dosage based on studies of tree deaths and of chromosomal damage in blood taken from persons living in the TMI area.

But none of the other plaintiffs' experts fared nearly so well. Among the matters on which the plaintiffs failed their burden of showing "reliability" were: a "blowout" theory for explaining how an atmospheric release of "fission product noble gases" occurred, a "plume dispersion" model suggesting there was a concentrated plume of released radiation that didn't harmlessly disperse, another expert's calculation of dosage based on nearby tree damage, and the use of soil studies and mortality studies.

In each instance the court found flaws with the offered testimony, usually citing faulty methodology, inconsistencies, the failure of the experts to publish any of their reports for peer review, the lack of "fit" between scientific principles and the case at hand and the tendency of the testimony to be particularly confusing to the jury.

Although the function of "gatekeeper" has been thought to be less intrusive upon the jury's factfinding role, there were signs in the court's opinion that the plaintiffs bore a heavy burden in the uncharted area of nuclear accidents just to get their experts' opinions to a jury, signs that do not bode well for plaintiffs injured by forces that are scientifically complex.

In deferring on the admissibility of one expert's opinion about the types of effects on people to be expected from a high dose of radiation, the court laid down some sobering demands. "To convince this court of the reliability of his testimony, Dr. Molholt, and any other expert that testifies in support of his reports, will have to directly and succinctly

rebut the challenges made and flaws exposed in defendants' [proposed] findings," Judge Rambo said.

Soon after Judge Rambo's decision, attorney for the plaintiffs, Larry Burman, said the plaintiffs' lawyers had filed a motion for reconsideration of Judge Rambo's pretrial ruling. Burman said the plaintiffs' legal team would file a brief to accompany the motion for reconsideration within the next few days. The motion will primarily argue that Rambo applied new expert admissibility standards too narrowly.

Public Utility Commission to Hold Hearings on Electric Power Competition

from a December 1995 PUC Letter to Electric Utility Consumers

The Pennsylvania Public Utility Commission wants to make you aware of the most important electric issue of the 90's. Does Pennsylvania want or need electric power competition? The Public Utility Commission must answer this question in a recommendation to the Governor and the State Assembly in the Spring. We think your opinions on this topic are important to making a sound recommendation.

The PUC will be holding one more public input hearing on this issue. We encourage your involvement. You do not need to be an expert to testify. There will be both a 1 p.m. and 7 p.m. session.

March 19, 1996
Pennsylvania State Museum
Third and North Streets
Harrisburg 17108-1026

Thyroid Cancer Stockpiles of Anti-Cancer Chemical Lacking

from *Cancer Biotechnology Weekly*

Sixteen years after the Three Mile Island (TMI) nuclear accident unleashed a frantic, midnight search for a badly needed radiation-blocking chemical, the government has yet to stockpile the drug in case of another mishap. A presidential commission that investigated the 1979 accident near Harrisburg, Pennsylvania, recommended potassium iodide be stored near commercial nuclear power plants as a protection against cancer of the thyroid gland, which is particularly susceptible to radiation. Easily made and costing only pennies, potassium iodide pills can prevent thyroid cancer in people exposed to radiation.

But the government has rejected stockpiling at least three times in the last decade, concluding the effort "would not be worthwhile" because of the low probability of a significant release of radiation from a power plant. Critics of the policy argue it would cost as little as ten cents to protect people living near such plants with potassium iodide pills. Officials in three states that have stockpiled the pills said the program is working with little difficulty.

The nuclear industry says stockpiling the pills would be impractical. "We don't believe there would be any health benefit because you would not get this material to people in a timely manner," says John Schmitt, a director for emergency preparedness at the Nuclear Energy Institute, the nuclear industry trade group.

In a letter to the Nuclear Regulatory Commission (NRC) two years ago, the industry cited "substantial cost impacts" of stockpiling. It also contended making the pills available would "result in a potentially significant negative public perception" and cause confusion about whether to evacuate or seek shelter should an accident occur. An industry study of the issue raised concern that the public might think the drug is being distributed because of heightened safety concerns. But some critics both within and outside the government question why the relatively cheap drug should not be made available since its usefulness depends on being administered within hours of radiation exposure.

"You're talking about a very inexpensive drug. We have spent more money trying to defend why we shouldn't do it than it would cost to get someone to make it and stockpile it," says Dr. Jerome Halperin, a former senior official of the U.S. Food and Drug Administration (FDA). In 1979, he was assigned to try to find enough potassium iodide to protect the tens of thousands of people near the Three Mile Island plant as the nation's worst nuclear accident was unfolding. At the time, Halperin recalled recently, "there was no commercial source. ... We had to scurry around quickly," working around the clock for three days. Finally, enough of the drug was found, although it was never needed as the threat of a massive radiation release subsided.

Later the Kemeny Commission, appointed by President Carter to investigate the TMI accident, urged that potassium iodide be stockpiled. If taken within hours of radiation exposure, a modest dose of potassium iodide saturates the thyroid and blocks the radioactive iodine, protecting against cancer and other illnesses, medical experts say. The thyroid, a gland in the neck, secretes a hormone that regulates body growth and metabolism.

In 1985, the NRC concluded stockpiling was not worthwhile. It has reiterated that position twice since then. In 1994, however, the agency staff concluded stockpiling - at the cost of 10 cents per year for each of the nearly 800,000 people protected - would be "prudent."

Tennessee, Alabama and Arizona already store the pills in counties near nuclear power plants, with utilities paying the bill. In Alabama, stockpiling "hasn't created problems for us," says Kirk Whatley, director of the state's division of radiation control. The Tennessee Valley Authority says it spends about \$8,000 a year for the pills near its Alabama and Tennessee reactors. When the potassium iodide deteriorates in storage, it is donated to aquariums as shark food.

News Notes

① TMIA now has a quantity of brochures produced by NIRS (Nuclear Information and Resource Service) on transportation of nuclear waste that are appropriate for general discussion, classroom discussion, or citizen education. Call the TMIA office (233-7897) to request brochures.

② Mitchell Rogovin, a Washington lawyer who directed the Nuclear Regulatory Commission's inquiry into the accident at Three Mile Island nuclear plant, died recently after a stroke. He will be remembered by many of us in Central PA for heading the TMI accident review panel that documented many of the problems that occurred before, during, and after the TMI Unit-2 accident.

③ "Building a Sustainable Future in Pennsylvania: A Conference on Sustainable Development" will be held March 25-26 at the Holiday Inn East, 4751 Lindle Road, Harrisburg. The conference, sponsored by Penn State Harrisburg, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Agriculture, and several other Pennsylvania governmental agencies will examine sustainable development programs with an emphasis on those programs that have met the needs of both the business and environmental communities. Cost is \$100 per person (\$70/non-profit organization). Registration forms are available from TMIA or you may call Dr. Margaret Shaw, Penn State Harrisburg, Continuing Education, (717) 948-6505, for more information.

④ Internet Resources on the WWW

Nuclear Information and Resource Services (NIRS)

Fact Sheets, Alerts, Articles, reports, and other material for activists, Chernobyl+10 Home Page, Nuclear Monitor Online
<http://www.essential.org/nirsnet/>

Pennsylvania Environmental Network

Pennsylvania Environmental Network is a network of grassroots environmental groups throughout the state. PEN is a clearinghouse for information and technical expertise on organizing and on various issues of interest to the grassroots.
<http://www.envirolink.org/orgs/pen/>



TMA
May 1996

Three Mile Island Alert

The Newsletter of Three Mile Island Alert

May 1996

Chernobyl Staff Mark 10 Years Since Explosion

Workers from the Chernobyl power station stood in silence on Friday to remember colleagues killed when the plant's fourth reactor, now encased in concrete, exploded 10 years ago. Hundreds of members of the 6,000-strong staff, facing the plant's closure by the end of the century, heard one of Ukraine's top nuclear industry officials say they had the power to recapture public opinion -- by running their station safely.

"The political environment is changing. Fortune is not smiling on you now, but you have a powerful weapon which could turn that around," said Mikhail Umanets, former director of both the Chernobyl station and Ukraine's nuclear authority. "This weapon is the safe operation of the Chernobyl station and I hope you will use it faultlessly."

A nearby meter showed the level of radiation between 80 and 85 milliroentgens per hour -- far less than the 750 measured at the spot 10 years ago but still four times higher than what are regarded as safe levels.

The 10th anniversary commemorations were marred by a minor release of radiation this week which officials blamed on lax working practices. But Ukraine's nuclear industry, sent into a tailspin by the disaster and then by the collapse of the Soviet Union, now enjoys great prestige. Salaries, once far

lower than in Russia, have been improved and industry officials bask in the knowledge that their 15 reactors provide 40 percent of Ukraine's electricity.

On April 26, 1986, staff conducting an unauthorized experiment lost control of the reactor and it exploded, blowing the unit's roof into the air and sending a cloud of radioactivity over most of Europe.

Ukraine says 4,300 people died as a direct result of the accident and many of its 350,000 clean-up workers are now ill. Millions were affected -- mostly in Ukraine, Belarus and Russia. Officials say Chernobyl's two working reactors are safe, but President Leonid Kuchma has promised under Western pressure to close them down. In exchange, Ukraine has received pledges of \$3 billion in Western aid for decommissioning and more to replace the cracking "sarcophagus" around the ruined reactor.

"Chernobyl was definitely a technical fault. Very serious mistakes were made in the safety system but now there is no reason for concern," one of the station's top safety experts, Vladimir Chugunov, told Reuters.

The mother and son of the first person to die in the disaster wept as they

(Continued on page 2, column 2)

CHERNOBYL: 10 YEARS LATER AMERICA IS STILL IN DENIAL

by James Riccio, staff attorney for Public Citizen's Critical Mass Energy Project

On April 26, 1986, a nuclear reactor in the Soviet Union exploded and the word 'Chernobyl' was seared into the consciousness of people around the world. Ten years have passed and we have yet to glimpse the consequences of the disaster. The most reliable figures available to date already establish Chernobyl as the worst technological accident in the history of humankind.

The U.S. nuclear industry and the agency that regulates it have learned little from this disaster. The immediate response to Chernobyl was to belittle the Soviet design and to claim that the accident could not happen at a U.S. nuclear reactor. While technically correct -- there are no Soviet designed reactors in the U.S. -- the industry's denial missed the point.

Nuclear accidents with consequences comparable to that of Chernobyl are possible at U.S. reactors. During the political fallout that followed the disaster, the Nuclear Regulatory Commission testified before congress that there is about a 45% chance of a core melt accident somewhere in the U.S. in the next 20 years.

Nuclear utility executives claimed that U.S. designed reactors had containment structures to prevent the release of radiation and that the Chernobyl reactor

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Three Mile Island Alert

Three Mile Island Alert (TMIA) is a non-profit citizens' organization dedicated to the promotion of safe-energy alternatives to nuclear power, especially the Three Mile Island nuclear plant.

Formed in 1977 after the construction and licensing of TMI Unit-1 and the construction of the infamous Unit-2, TMIA is the largest and oldest safe-energy group in central Pennsylvania.

TMIA Planning Council

Eric Epstein, Chair
Bill Cologie, Vice-Chair
Betsy Robinson, Treasurer
Kay Pickering, Secretary
Scott Portzline
Jerry Schultz
Gene Stilp
Cherie Friedrich

This newsletter is published approximately 6 times per year.

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(Continued from page 1)

placed flowers in his memory at the foot of a bronze statue depicting a man fighting a blaze. Oleg Khodymchuk, 19, and his grandmother Anna donned white smocks for protection, looking just like the hundreds of thousands of "liquidators" who risked and lost their lives trying to deal with the disaster's aftermath.

"I learned of my father's death on the second day, when a teacher told me at school that my father's body could not be found," Oleg told Reuters on Friday. The body of Valery Khodymchuk, a 34-year-old operator who was working on the night shift of April 26, has never been recovered and is thought to lie buried in the reactor.

Many people in Ukraine, which won independence from Moscow in 1991, blame the accident on Soviet authorities, accused of sacrificing safety for cheap energy.

Staff member Tatyana Borets, who was also working at Chernobyl on April 26 1986, saw no reason to fear a new accident at the plant and, like many, firmly opposed its closure. "There would be nothing to gain from closing it down," she said. "The radiation already in the soil would not suddenly go away. Chernobyl is not a symbol of horror, but a symbol of political gain."

TMIA Holds Annual Meeting

On March 6, 1996, TMIA held its annual meeting. This year's topic was "Pennsylvania's Proposed Radioactive Waste Dump/Holding our Elected Officials Accountable." Representatives of Organizations United for the Environment (OUE), along with representatives from environmental groups in Fulton county and the Peach Bottom area exchanged ideas about how best to reduce radioactive poisoning in the Commonwealth, both from existing nuclear power plants and from potentially hazardous sites. Also discussed was the latest scheme by state officials and Chem-Nuclear to try and convince local officials to accept a nuclear waste dump in exchange for lower taxes and scholarships for local students. (See related article on page 3.)

Principal questions raised during the meeting were: How best can we generate a statewide struggle against Chem-Nuclear if it tries to locate the dump in an unwilling community? What should we do if local officials, so besotted by dreams of riches from radioactive waste, step forward to offer their little niche of the planet as a site for a nuclear dump?

Please renew your TMIA membership

Name _____ Phone _____

Address _____ Zip _____

Membership: ☐ \$20 Regular Member ☐ \$50 Sustaining Member
☐ \$25 Non-Profit Org ☐ \$100 Patron
☐ \$5 Low Income/Student ☐ \$200 Club Member ☐ \$10 Newsletter only

Intervention Fund Contribution: ☐ \$10 ☐ \$20 ☐ \$50 ☐ \$100

Checks of \$50 or more can be made payable to the TMI Legal Fund for tax deduction purposes.

RETURN TO: TMIA, 315 Peffer Street, Harrisburg, PA 17102

The official registration and financial information for Three Mile Island Alert may be obtained from the PA Department of State by calling toll free, within PA, 1-800-732-0999. Registration does not imply endorsement.

Volunteer Sought for PA Nuclear Dump

from Pittsburgh Post-Gazette, DEP Press Release, and Nukenet Internet Mailing List

Recently, the state Department of Environmental Protection and Chem-Nuclear Systems, the company hired by the state to build and operate the facility, issued the final step-by-step guide for communities interested in becoming the site of a nuclear dump.

Based on public comments gathered at meetings across the state, Chem-Nuclear's guidelines will encourage -- but not require -- public officials to tell their constituents before they request information about volunteering their town.

The final plan says the volunteer sites must meet the same safety criteria the state originally required when it was conducting a technical search for the best sites in the state. The guidelines also urge -- but not require -- potential host communities to tell neighboring communities about their plans and to share payments they would receive from the state in return for accepting the site.

Jeff Schmidt, a Harrisburg lobbyist for the Sierra Club, said the changes are a sop to public concerns because they are mere suggestions, not mandates. "There are admonitions to local public officials to talk, but there's no commitment on the part of Chem-Nuclear to share the information with the residents if the community officials don't," Schmidt said. "We still have the potential for backroom negotiations." Schmidt also objected that the company will protect the anonymity of private individuals -- such as farmers and real estate developers who own the land for the 500-acre waste site -- who discuss volunteering their towns.

Of about 200 people who submitted comments on the guidelines, Jones said, roughly half said the name and address of those individuals should be published immediately. "An equal number said, 'No. They will get rocks thrown through their windows.'" Schmidt said the final plan seems to back away from an earlier commitment to require a voter referendum for towns seeking to volunteer, instead of just allowing municipal officials to make the decision. Jones said many of those who commented on the plan didn't think a referendum was the best way to test the will of the community. Instead, the guidelines suggest municipal officials

gauge the desire of the residents in other ways, such as a poll or a town meeting vote.

The final plan says that if the state cannot find three towns with suitable sites by late 1997, it will probably go back to the technical search.

The Incentives For "Volunteering"

- a commitment from CNSI to hire most employees locally, with an estimated 70 employees earning about \$4 million annually in salary and benefits.
- preference to local suppliers for purchasing, estimated at \$12 million annually.
- direct payments to municipalities, estimated at \$350,000 to \$600,000 a year.
- an education grant to the nearest community college or equivalent institution of \$50,000 the first year and \$10,000 annually thereafter.
- a \$1,000-a-year academic scholarship for each high school in the host county.
- payment of school district and municipal property taxes for primary residences within two miles of the facility.
- purchase of properties within two miles of the facility for two years at pre-license prices, at request of the property owner.
- funding for emergency response training and planning.
- funding for the municipality to hire two full-time qualified inspectors to independently monitor activities and review records at the facility.

And if that still does not convince you:

- CNSI will negotiate additional benefits with the host municipality.

DEP and CNSI Sponsor Meetings to Recruit Dump Sites

Chem-Nuclear Systems, Inc. (CNSI), will conduct nine open houses across the state to provide residents with information on the state's proposed nuclear waste disposal facility.

Open houses are scheduled from noon until 9 p.m. as follows:

May 7, Hampton Inn, Chambersburg
 May 9, Sunnybrook Ballroom, Pottstown
 May 13, Mansfield, Mansfield University
 May 15, Oliveri's Crystal Lake Hotel, Carbondale
 May 16, Luzerne County Community College, Nanticoke
 May 21, The Inn at Franklin, Franklin
 May 23, Edgewood Inn, St Marys
 May 29, Mountain View Inn, Greensburg
 May 30, Comfort Inn, Johnstown

A meeting had been scheduled on May 13, in Towanda, Bradford County. The Board of Directors of the Inn that was to host the event, however, realized who they had booked and voted unanimously to cancel the booking. **Similar cancellations could occur at other locations if local citizens expressed their opposition to the meeting hosts. If you live in a locale that is hosting a CNSI meeting, call the host facility to express your opposition.**

Alternatively, you can express your opposition by calling DEP's Hotline at 1-800-232-2786. You can contact CNSI at 800-424-2848.

Is Chernobyl the Next Chernobyl?

The Moscow Times, April 27, 1996

by Alexander Kurchatov, president of the non-profit environmental research group Evrika.

Since May 1986, much work has been devoted to isolating the damaged reactor at the Chernobyl atomic energy plant. In record time, workers and soldiers - who were all irradiated - built a sarcophagus for the reactor from 200,000 tons of reinforced concrete. It separates the damaged reactor from another power-generating unit that was put back into use in 1987. Originally, the sarcophagus was supposed to last 30 years. But natural processes will make it unreliable much sooner.

By the beginning of the '90s, the environmental group I head had already written about the problem. A year and a half ago, similar statements were made on the pages of the British newspaper *The Observer* which published the conclusions of Western scientists on the condition of the Chernobyl plant based on materials gathered by British intelligence. Here are some of the main conclusions:

There is a threat of another meltdown of the reactor. According to various sources, 180 to 190 tons of atomic fuel remain. The fuel, combined with water from a cavity on the lower floor of the ruins of the unit, could reach dangerous levels of concentration. "Europe," wrote *The Observer*, "is on the threshold of a new and possibly more frightening catastrophe than what occurred on April 26, 1986."

The State Atomic Committee of Ukraine has long categorically denied the possibility of such a development of events, but it is now giving more sober evaluations. The Ukrainian Minister of the Environment and Nuclear Safety, Yury Kostenko, said such a critical concentration of water and atomic fuel is possible given the thermo-chemical migration of atomic fuel deep within the remains of reactor No. 4 at Chernobyl. This could lead to rapid initial heating and explosion of the fuel. Kostenko's main conclusion was, "The present condition of the sarcophagus would lead to a repetition of the situation of 1986."

The possibility of the worst-case scenario is not even denied today by Vladimir Shcherbin, director of the interbranch scientific and technological center, Ukrytiye, the organization

created especially to oversee the condition of the sarcophagus.

There is a possibility the sarcophagus' foundation will collapse. High levels of radiation preclude building a special foundation for the sarcophagus, which lies only on the damaged unit. The unit was not intended to hold such an enormous weight and is bound to collapse. Moreover, water is dripping into the sarcophagus, thus posing the threat of an electrochemical reaction and destruction of the concrete structure.

Radioactive dust escapes from the unit. Since the roof of the unit was closed with the help of robots in conditions of extreme radioactivity, several cracks

and weak points have formed, on a general area of 1,500 square meters. Radioactive dust freely passes through them.

In several parts of the area, radioactivity in the past few years has significantly risen and is reaching dangerous levels. Attempts to seal the holes with special patches have been unsuccessful. The roof could not remain hermetic because of pressure, and scraps from it flutter in the wind. The sarcophagus that was built in 1986 has thus only slowed down the tragedy of Chernobyl and made it less visible.

Today, official Ukrainian organizations, with the support of International Agency for Atomic Energy, the European Union and the Group of Seven leading industrialized nations, are putting forward a plan to close the Chernobyl plant down completely by 2000 and construct an

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had no containment. This difference in designs is often cited as the reason Chernobyl could not happen here. This second denial, too, is incorrect. NRC Commissioner Asselstine testified before Congress that Chernobyl had a containment structure that was stronger than those surrounding some U.S. nuclear reactors. The Chernobyl containment design was based upon the theory of pressure suppression containment. This same concept is used in nearly half the reactors in the U.S., 38 designed by General Electric and 9 designed by Westinghouse. According to the NRC, GE Mark I designs have a 90% chance of containment failure during a core melt accident. The NRC has acknowledged that the containments are not designed to cope with such accidents. If a meltdown occurs, containment failure and the release of radiation into the environment can not be ruled out for any of these designs.

By denying that a 'Chernobyl' could happen here, the nuclear industry has denied itself the opportunity to learn from this tragedy. One of the most poignant lessons of the disaster comes from the children of Chernobyl. The thyroid cancer rate in Belarussian children has increased 100% since the accident. Health officials expect the cancer rate to continue rising since pre-cancerous thyroid conditions are more common than carcinomas. These

effects could have been mitigated by the distribution of potassium iodide, an inexpensive drug that protects the thyroid from radiation.

The nuclear industry is well aware of the usefulness of potassium iodide. Many nuclear utilities store it at the reactor site to distribute to workers in the event of an accident. While providing potassium iodide for their workers, the industry has blocked attempts by the NRC staff to provide the same protection to the public. Nuclear industry officials have argued that such a policy would adversely affect the public's confidence in nuclear power. They have chosen perception over protection and have persuaded the Nuclear Regulatory Commission to do the same.

Ten years after the Chernobyl disaster, the U.S. nuclear industry and its regulators are still in denial. The public is already keenly aware of the dangers posed by nuclear reactors, after all, what other source of electricity requires an emergency evacuation zone. Rather than protecting nuclear power's tarnished image, the NRC should be protecting the public health and safety by requiring the stockpiling of potassium iodide for public distribution. Since the agency can not prevent the next Chernobyl from occurring, it should at least provide the public with the means of mitigating the consequences.

Chronology of Nuclear Accidents

from Reuters, April 20, 1996

Following is a chronology of major nuclear incidents over the last 40 years.

October 7, 1957 Fire destroyed the core of a plutonium-producing reactor at Britain's Windscale nuclear complex- since renamed Sellafield- sending clouds of radioactivity into the atmosphere.

1957/8 According to Western experts, a serious Soviet accident occurred during the winter of 1957-58 near the town of Kyshtym in the Urals. A Russian scientist who first reported the disaster estimated that hundreds died from radiation sickness.

January 3, 1961 Three technicians died at a U.S. plant in Idaho Falls in an accident at an experimental reactor.

July 4, 1961 The captain and seven crew members died when radiation spread through the Soviet Union's first nuclear-powered submarine. A pipe in the control system of one of the two reactors had ruptured.

1965 The U.S. Atomic Energy Commission purposely caused a nuclear reactor accident that produced a low intensity radioactive cloud over Los Angeles.

October 5, 1966 The core of an experimental reactor near Detroit partly melted when a sodium cooling system failed.

October 17, 1969 In Saint-Laurent, France, a fuel-loading error sparked a partial meltdown at a gas-cooled power reactor.

1974 Reported explosion in a Soviet breeder plant at Shevchenko, on the Caspian Sea.

December 7, 1975 An accident occurred at the Lubmin nuclear power complex near Greifswald on the Baltic in former East Germany. A short-circuit caused by an electrician's mistake started a fire. Some news reports said there was almost a meltdown of the reactor core.

March 28, 1979 America's worst nuclear accident occurred at the Three Mile Island plant near Harrisburg, Pennsylvania.

Aug 7, 1979 Highly enriched uranium spewed out of a top-secret nuclear fuel

plant in Tennessee. Around 1,000 people were contaminated with up to five times as much radiation as they would normally receive in a year.

April 25, 1981 Officials said that around 45 workers were exposed to radioactivity during repairs to a problem-ridden plant at Tsuruga, Japan.

November 1983 Britain's Sellafield plant, scene of the 1957 fire, accidentally discharged radioactive waste into the Irish Sea, prompting environmentalists' demands for its closure.

August 10, 1985 An explosion devastated the Shkotoyo-22 ship repair facility which services Soviet navy nuclear-powered vessels. Ten people were killed and many died later from radiation exposure.

January 6, 1986 One worker died and 100 were injured at a plant in Oklahoma when a cylinder of nuclear material burst after being improperly heated.

April 26, 1986 Date of the world's worst nuclear accident. An explosion and fire at the Chernobyl nuclear plant spewed radiation over much of Europe. Thirty-one people died in the immediate aftermath of the explosion. Hundreds of thousands of people were moved from the area and a similar number were believed to have suffered from the effects of radiation.

March 24, 1992 Radioactive iodine and inert gases escaped into the atmosphere after a loss of pressure in a reactor channel at the Sosnovy Bor station near St Petersburg in Russia, triggering international concern.

November 1992 In France's most serious nuclear accident, three workers were contaminated after entering a nuclear particle accelerator in Forbach without protective clothing. Executives were jailed in 1993 for failing to take proper safety measures.

November 1995 At the Chernobyl nuclear power station, serious contamination occurred when fuel was being removed from one of the reactors.

(Continued from page 4)

enormous concrete vault - sarcophagus II - resembling a hangar over the old sarcophagus in order to prevent radioactive dust from escaping in the next few decades.

The European Community, G-7 and the International Monetary Fund have promised between \$ 2 billion to \$ 4 billion for the construction of the new sarcophagus, the closing down of Chernobyl, the building of a storehouse for the nuclear waste and compensation for several other expenditures. Arguments continue over the conditions and level of the possible subsidies.

In such a transaction, the interested parties include very influential forces such as officials to whom the sums will be paid, those who would like to see Russia withdrawn from the world market for nuclear energy and especially the firms involved in the cleanup. The fact is that the 21st century alone will require building a third, fourth and perhaps even a fifth version of the "sarcophagus-matryoshka." Firms are guaranteed to get orders for repairs for many years to come.

There is an alternative project for solving the Chernobyl plant problem. Three steps can be taken to render it harmless.

First, the radioactive dust could be removed from the sarcophagus to permanently stop it from reaching the environment. Second, the remains of the atomic fuel could be removed to prevent a second explosion from occurring. Third, the entire damaged unit, together with the sarcophagus, could be buried in special deep mines.

This process would require several months of well-organized work. Once the material was buried, additional sarcophaguses could be cheaply built and would not require repairs for a long time to come.

Last Saturday, at the nuclear safety summit in Moscow, Ukrainian President Leonid Kuchma gave an oral agreement on the complete closing down of Chernobyl by 2000. He did not sign a written agreement. He was promised \$ 3 billion, but the final amount of the subsidies will be determined in October, after an inspection by experts of the state of the present sarcophagus.

PECO Energy Wants to Use Plutonium for Power

from U.S. Newswire, Greenwire, The Houston Chronicle

On March 29, Greenpeace announced its opposition to a plan by the U.S. Department of Energy (DOE) in which commercial nuclear power utilities are being solicited to produce tritium for nuclear weapons, and use fuel made from weapons-grade plutonium.

One of the interested utilities, Philadelphia's Peco Energy Co., is interested in an Energy Department proposal to use fuel made from decommissioned nuclear warheads to generate electricity at Peco's Limerick nuclear plant near Pottstown, PA and the Peach Bottom plant near York, PA. Peco spokesman William Jones: "It is just something we've expressed interest in, if the DOE picks up the cost and there is a net benefit for our customers."

Seventeen U.S. utilities and one Canadian utility with a combined total of 41 reactors have expressed interest in using plutonium fuel, a plutonium-uranium mixture (mixed oxide fuel or MOX) which would contain weapons-grade plutonium. Fourteen U.S. utilities with 22 reactors, many of which are also interested in MOX, are interested in the tritium mission.

"Consumers now will be forced to produce bomb material and encourage international plutonium use by simply flipping their light switch," said Tom Clements of Greenpeace's anti-nuclear campaign. "Greenpeace will support a consumer rebellion against this taxpayer subsidized insanity." "This program threatens to break the longstanding taboo against using commercial reactors for military purposes," said Damon Moglen, coordinator of Greenpeace's anti-plutonium campaign. "It will help justify, even encourage the international trade in weapons-usable plutonium, which threatens U.S. and international security."

DOE is currently undertaking an Environmental Impact Statement process to determine what to do with some 50 tons of "surplus" weapons plutonium. A decision is expected this fall. Of all the options under consideration, Greenpeace supports pursuit of the vitrification option, as plutonium is a dangerous nuclear waste which must be isolated from the

environment.

A facility to fabricate MOX fuel in the U.S. does not exist, and it is estimated that it could cost \$1 billion or more of taxpayer money to construct such a high-tech facility.

As tritium has a radioactive half-life of 12.5 years, DOE claims that a new tritium production source will be needed by 2011 to fuel about 6,000 warheads. In December 1995, DOE issued a decision that tritium production in commercial reactors as well as by linear accelerator at Savannah River Site would be pursued.

MOX, according to the International Atomic Energy Agency is a "direct use" material for nuclear weapons, because the plutonium in it can be easily removed. Shipments of the fuel therefore require military escort. New production of tritium runs contrary to disarmament trends and reveals U.S. intention not to disarm as required by the Nuclear Nonproliferation Treaty (NPT).

Here is the list of U.S. utilities interested in using plutonium fuel: Arizona Public Services Co.; CEIC (Ohio); Duke Power/ Commonwealth Edison; Entergy Operations Inc. (Miss., La.); Florida Power and Light; Georgia Power Co.; IES Utilities (Iowa); Niagara Mohawk Power Co. (N.Y.); North Carolina Municipal Power Agency; #1/Piedmont Municipal Power Agency; PECO Energy Co. (Pa.); Southern Nuclear Operating Co. (Ala.); Tennessee Valley Power Authority; Virginia Power; Wisconsin Public Service Co.; Washington Public Power Supply System.

Here is the list of U.S. utilities interested in tritium production: Arizona Public Services Co.; CEIC (Ohio); Florida Power and Light; Georgia Power Co.; Houston Lighting and Power Co.; Illinois Power Co.; Niagara Mohawk Power Co. (N.Y.); North Carolina Municipal Power Agency; #1/Piedmont Municipal Power Agency; South Carolina Gas and Electric Co.; Tennessee Valley Power Authority; Virginia Power; Wisconsin Public Service Co.; Washington Public Power Supply System.

Supreme Court Declines Review of TMI Plaintiffs' Right to Punitive Damages

from Greenwire and USA Today

On April 22, the U.S. Supreme Court declined without comment to hear the nuclear power industry's appeal seeking to block suits by more than 2,000 individuals who claim they were injured by radiation from the 1979 Three Mile Island nuclear plant accident from seeking punitive damages under Pennsylvania law.

The decision allows plaintiffs to begin suing for punitive damages, which are meant to punish and deter bad conduct, as well as compensatory damages, which reimburse losses, opening the door to possible multi-million dollar awards.

"The families have gone through so much," says Kay Pickering of Three Mile Island Alert, a watchdog group in Harrisburg, Pa., near the plant. Several families have lost members to unusual cancers, she says, and calls come in routinely from residents who have become ill.

The first cases are due to come to trial summer -- 17 years after the accident. Part of the delay came because illnesses in some cases did not appear for several years. Other legal issues have been raised by TMI's lawyers questioning the reliability of the evidence linking the accident with any illnesses at all.

"The cause and effect is very tenuous," says John Reding, lawyer for the Nuclear Energy Institute, which supports Met Ed. He says trials might still be put off past this summer.

A group of 10 test cases is scheduled to go to trial in June 1996 to consider whether the partial meltdown at Three Mile Island caused the alleged injuries and whether damages should be awarded.

A federal appeals court in Philadelphia last year ruled that individuals injured by the accident could try to recover punitive damages under state law. It rejected the defendants' argument that such claims were barred under amendments adopted by Congress in 1988 to the Price-Anderson Act that governs the U.S. nuclear power industry.

Watchdogs Call For Closing of Salem Nuclear Plant

from a Critical Mass Energy Press Release
March 12, 1996

Three public interest watchdog groups, NJPIRG Citizen Lobby, the Nuclear Information and Resource Service, and Public Citizen's Critical Mass Energy Project, joined today in calling for the permanent closure of the Salem Nuclear Generating Station. Public Service Electric and Gas (PSE&G), the utility that owns and operates the two reactors at Salem, has revealed that critical components of the generators at Salem are disintegrating, drastically increasing the chances of a radioactive release or, in the worst case, a core meltdown. This discovery is the latest in a long series of problems at Salem, which resulted in PSE&G temporarily closing Salem 1 and Salem 2 in May and June of last year, respectively.

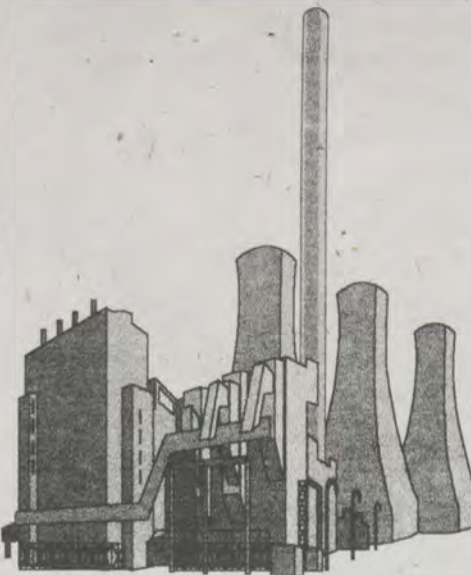
"PSE&G should act now to put the Salem reactors to bed for good," said Rebecca Stanfield, Energy Advocate, NJPIRG Citizen Lobby and coordinator of the R.E.A.L. Energy Coalition which is supported by over 60 New Jersey environmental and consumer groups and businesses. "PSE&G acted prudently in closing Salem last spring. However, public safety and sound economic policy requires permanent retirement of both reactors," she continued. Over their lifetimes the two Salem reactors have operated only 58% of their intended operating time and have drawn three of the top seven fines ever levied by the NRC. In the past three years alone Salem has experienced over 20 shut-downs and has incurred \$2 million in fines. However, the new revelation of deterioration within the plant has prompted increased concern from national nuclear safety experts.

"The combination of the deteriorating material that fabricates the steam generators, inadequate inspections and accelerated cracking between inspections adds up to an accident waiting to happen," said Paul Gunter, Director of the Reactor Watchdog Project at the Nuclear Information and Resource Service. "The cracking and corroding along nearly 350 miles of Salem's steam generator tubes is the most serious challenge that the utility has faced to date," he continued.

Gunter explained that the tubes that carry hot radioactive water throughout the plant are made of material that

eventually deteriorates after being exposed to radioactivity. If these tubes were to rupture, radioactive steam would be released into the environment. Multiple tubes rupturing would result in a dramatic loss of cooling water, which could lead to a core meltdown.

Identical problems in many U.S. nuclear power plants who, like Salem, were built by Westinghouse, have resulted in fourteen separate suits by utilities against Westinghouse. In addition, three of those plants have been retired before the end of their operating licenses because the owners found that



early retirement would be more economical than paying the high costs of repairing or replacing the deteriorating tubes. Repairing the tubes would cost at least \$40 million while replacing the generators would cost an estimated \$500 million. However, neither option is predicted to secure safe and economical operations at Salem.

"Even if PSE&G replaced Salem's generators, the plant is not economical to operate compared with the costs of replacing Salem with other sources of power," said Matthew Freedman, Energy Policy Analyst with Public Citizen's Critical Mass Energy Project (CMEP). CMEP is the energy policy arm of Pubic Citizen, a national consumer advocacy group founded by Ralph Nader. "If PSE&G invests hundreds of millions of dollars into repairing or replacing the steam generators, utility stockholders will profit at the expense of New Jersey electric customers."

According to a 1995 Public Citizen study, the operations and maintenance costs of Salem, not including fuel, were higher than the price of available replacement power in the region. In addition to the huge costs of steam generator repairs or replacement, Salem is scheduled to run out of storage space for its spent nuclear fuel in 2002 and will be forced to pay for expensive radioactive waste storage in order to continue operating," continued Freedman.

The groups are calling for immediate action by PSE&G and the state Board of Public Utilities to retire the Salem reactors permanently. "Although Salem has been identified as a problem plant by federal regulators and legislators, state and national public interest groups, and even PSE&G itself, we have not yet heard a peep from the New Jersey Board of Public Utilities (BPU)," stated Stanfield. "The BPU can no longer ignore Salem. It should begin immediate proceedings to retire this nuclear lemon," she continued. NJPIRG Citizen Lobby is a non-profit, nonpartisan consumer and environmental watchdog group. The R.E.A.L. Energy Coalition consists of over 60 groups who support a shift away from fossil fuels and nuclear power, toward renewable energy and energy efficiency.

Co-Owners of Salem Sue Over Plant Shutdown

from PECO Report to Shareholders,
March 1996

On March 5, 1996, PECO Energy (a 42.59% owner of Salem) and Delmarva Power & Light Company filed suit against PSE&G, the operator of Salem. The suit charges that the defendant failed to adequately respond to numerous citations, warnings, notices of violations and fines by the NRC. Further, the plaintiffs claim that PSE&G failed to take appropriate corrective action. These acts and omissions constituted mismanagement and breach of contract with the station's co-owners and forces PSE&G to shut down Unit No. 1 on May 16, 1995, and Unit No. 2 on June 22, 1995. The suit asks for compensatory and punitive damages.

Environmentalists Assail Dole Over "Mobile Chernobyl"

from an April 16, 1996, letter to Senator Dole, and the Critical Mass Energy Project WWW Page

Dear Majority Leader Dole:

We are dismayed and outraged to learn that a Senate floor vote on S. 1271 (Craig, R-Idaho) tentatively has been scheduled for April 25 or 26, 1996.

As you know, April 26, 1996 is the tenth anniversary of the Chernobyl nuclear accident--a disaster whose consequences have grown larger with time. It is an anniversary that merits sober reflection on the terrible consequences of the nuclear age, and respect for the tens of thousands of people who have lost their homes, their land, and their lives.

Instead, we apparently will be treated to the spectacle of a Senate vote on the U.S. nuclear power industry's latest "not-in-my-back-yard" scheme--a bill which has been quite aptly dubbed the "Mobile Chernobyl Act."

S. 1271 addresses the ongoing and enormous problem of radioactive waste by moving the problem from the nuclear utilities to taxpayers. The bill would establish an "interim" radioactive waste storage site near Yucca Mountain, Nevada, and begin the unprecedented transport of high-level radioactive waste through 43 states and the District of Columbia; through dozens of cities and across our nation's agricultural heartland. Once the waste left the utility sites, where it is now, title to and liability for that waste would transfer from the utilities to the taxpayers. All this because nuclear utilities don't want to pay for storage of their own waste, and, like everyone else, don't want it in their own backyards.

S. 1271 would be an insult to the American people at any time. Holding this vote on the 10th anniversary of Chernobyl is contemptuous and demonstrates a serious lack of understanding of the lessons of Chernobyl.

S. 1271 ignores the lessons of Chernobyl. The high-level nuclear waste that would be transported across our nation's railways and highways contains 95% of the radioactivity ever created in the U.S. Before we begin such a risky endeavor, we had better be sure that the first transport of this deadly material is the last. Moving the

waste to an "interim" site, even as evidence is growing that Yucca Mountain is not suitable for permanent disposal, could be a catastrophic mistake.

We must avoid a Mobile Chernobyl in the United States. The best way to do that is to not rush into nuclear industry schemes to avoid liability for their own waste products.

A fitting commemoration of Chernobyl's 10th anniversary would be for you to announce that S. 1271 will never reach the Senate floor.

(The letter was signed by representatives of 75 organizations, including TMIA, and a number of individuals.)



Update on S. 1271

Despite a planned vote for April 26, the anniversary of the Chernobyl disaster, the Senate did not move to consider S. 1271, the Nuclear Waste Policy Act. According to nuclear industry sources, the bill may be considered during the first week in June.

Several Senate offices also report that they are hearing a great deal from constituents on S. 1271's many problems. Many thanks to anyone who has called, faxed, or emailed their Senators to tell them to support the Bryan-Reid filibuster and vote against S. 1271. Information on S. 1271 can be found at the Critical Mass web site (<http://www.citizen.org/CMEP>) in the radioactive waste policy section.

While the Clinton Administration has long opposed S. 1271 and promised the Nevada delegation a veto of the bill if it should pass, the White House had yet

to issue a written veto threat until April 23. The Statement of Administration Policy states that President Clinton would veto S. 1271 because of its designation of an interim storage site before the studies of Yucca Mountain's ability to serve as a repository are complete.

"The Administration strongly opposes S. 1271 because it would preempt most environmental laws, including the National Environmental Policy Act, the Clean Air Act, and the Safe Drinking Water Act, and it would remove the EPA from its role in setting human health and environmental safety standards for the repository."

A favorite argument of S. 1271 supporters states that Nevada should be forced to accept an "interim" dump for irradiated fuel because nearby Yucca Mountain can already be said to be a suitable site for a permanent repository. This week, however, reality dealt another blow to nuclear industry apologists who peddle this specious argument.

Scientists at the Los Alamos National Laboratory have detected fresh evidence that water flows through the proposed repository at rates much faster than once thought. According to a DOE release, Chlorine-36 has been found in the Exploratory Studies Facility (ESF) at depths up to 600 feet. Because Chlorine-36 is generated by the atmospheric testing of nuclear weapons, the large quantities of the isotope found indicate that water from the surface reached these depths in less than 50 years. Borehole studies had already detected tritium, a short-lived isotope that is also a by-product of weapons testing, at depths of 1,400 feet.

A repository at Yucca Mountain would have to keep water away from irradiated fuel for thousands of years, yet water apparently moves through the mountain within decades, not millennia. While dump advocates will no doubt try to explain how fast water movement through an earthquake-prone mountain actually enhances public safety, the uncertainty of Yucca Mountain is clearer than ever. High-level waste has no business being in Nevada (which has no nuclear reactors) until the studies are complete.

NRC Issues Violations, But No Fines, Against TMI

from The York Dispatch
March 14, 1996

The U.S. Nuclear Regulatory Commission has issued two violations against the TMI Unit 1 nuclear reactor, saying the reactor's operators did poor engineering analysis and failed to modify equipment as directed. But the agency did not order any fines for the violations.

The violations stem from a discovery TMI's September 1995 refueling that modifications ordered in 1990 were never made. TMI was supposed to have modified drains that carry radioactive water out of the reactor. The pressure in the drains was 1990 exceeded federal standards.

But speaking after yesterday's official violations were issued, NRC spokeswoman Diane Screnci said the NRC opted not to fine TMI's owners because "from (the time) when we discovered they hadn't implemented the fix, they acted comprehensively and promptly."

"Prompt and comprehensive" action to correct problems is the first consideration on a new NRC flow chart used to determine penalties for violations, Screnci said.

TMIA's Eric Epstein, a frequent critic of TMI and the nuclear industry, said the NRC decision left him "befuddled." "If there was a problem identified in 1990 and still unsolved in 1996, I have absolutely no idea how the NRC can interpret that as being resolved in a timely fashion."

"This is a barometer of what happens when there is a lack of aggressive oversight at nuclear power plants," Epstein added, saying he's deeply concerned about the NRC's new policy of allowing nuclear power plants to do more self-inspection. "This is deregulation at its worst."

Suit Filed Against Nuclear Waste Law

from Pennsylvania Law Weekly
April 15, 1996

Three individuals have filed suit in Commonwealth Court to undo the 1988 law that set up Pennsylvania's ongoing process of finding a low-level nuclear waste site for itself and three other states. The suit contends the legislature violated the state constitution with shortcuts it took to adopt the law.

Last year, Commonwealth Court struck down portions of the state budget because the legislature had taken the same kinds of improper shortcuts, the suit noted.

Gene Stilp and Eric Epstein of Harrisburg, two long-time anti-nuclear activists and members of TMIA, filed the suit. They were joined by Thomas Linzey of Shippensburg.

Pennsylvania is now looking for a community to volunteer to host the site.

Pennsylvania agreed in 1985 to build and operate a site to store waste generated in the state and in Maryland, Delaware and West Virginia.

♦ **MYTH Busters #10:**
International Nuclear Power produced by the Safe Energy Communication Council, is now available. The report examines the nuclear industry's myths about international nuclear power and concludes that:

-Nuclear power's role in the global energy economy has peaked. The technology is no longer considered a viable option for most countries seeking new energy supplies.

-Considerable challenges confront nuclear power, even in the supposed nuclear "success stories" - France and Japan

-A direct or indirect connection between civilian nuclear power and nuclear weapons programs exists in numerous countries.

The 24 page report is available for \$6.00 per copy from Safe Energy Communication Council, 1717 Massachusetts Avenue, NW, Suite 805, Washington, DC 20036, (202) 483-8491, email: seccgen@aol.com.

News Notes

♦ The 3rd Annual Pennsylvania Environmental Congress

September 28-29, Dickinson College, Carlisle, Pennsylvania

Keynote Speakers: Mark Dowie, former editor of Mother Jones Magazine. Paul Connett, publisher of *Waste Not*, a grassroots environmental newsletter.

Skills and Issues Workshops include: Toxics, Wetlands, Logging, Legal Tools, Media Training, Environmental Justice, and more. For more information, or for a detailed brochure, call the Pennsylvania Wildlife Federation, 717-232-3480.

♦ American Solar Energy Society presents its National Tour of Solar Homes on October 19, 1996.

For information, contact American Solar Energy Society, 2400 Central Avenue, Suite G-1, Boulder, Colorado 80301, (303) 443-3130, FAX (303) 443-3212, email: ases@ases.org, Website: www.ases.org/solar.

♦ Seventh Annual Arts for Peace and Justice Exhibition -- July 26-August 10, 1996 at Strawberry Square, Downtown Harrisburg, Pennsylvania.

The 1996 exhibition is dedicated to Milton Lowenthal, who encouraged and supported this exhibition since its beginnings in 1990. After many years of work for peace and humanitarian causes, Milton died in October 1995. For more information, contact Fleur Byers, (717) 774-5811. The event is sponsored by Strawberry Square and the Harrisburg-Hiroshima-Nagasaki Committee.



A Visit to the Chernobyl Dead Zone

from NIRS Nuclear Monitor, April 1996

In late April 1996, Michael Mariotte of NIRS, along with activists from around the world, including TMIA's Gene Stilp, met at the Lessons of Chernobyl Conference in Kiev. The official Dead Zone is an approximate circle with a radius of about 30 kilometers (18 miles). Here is an excerpt from Michael's diary.

On our bus as we travel into the Dead Zone, we check our radiation monitors; background levels rise very slowly. By the time we reach the first checkpoint into the Dead Zone, they are less than twice Kiev background levels.

But while the Berlin Wall came down in 1989, the Chernobyl Wall still exists: a barbed wire fence meant not to keep people in, but to keep them out....

Past the first checkpoint, we drive further, past endless fields of dry grass and forest; life is gone here: no people, no animals, no birds. We pass by a small area covered with rusting school buses and helicopters--only one of 800 radioactive waste dumps in the dead zone--no one knows where they all are, some were bulldozed before their location could be identified.

Once this was among the most productive farmland of all Europe, now it is useless, even deadly.

We stop in the town of Chernobyl, about 12 miles from the reactor complex and the official headquarters of the Dead Zone. We receive a briefing from the person in charge of the contaminated area. He tells us that 11,000 people work in the Dead Zone, half at a time. They work 15 days, then have 15 days off. Most seem to live in Chernobyl, given the rather bustling nature of the place.

He also mentions that we might have heard there is a fire there today (we haven't). He assures us it is under control (as we learn later, it isn't).

We climb back on our buses and proceed to the "Contamination Control Center." We had originally been told that we were not welcome, and that we would not be allowed to get near the reactor, nor do anything but tour a few contaminated villages by bus. Those orders now appear to have been countermanded, although we can't be sure.

At the control center, we strip, and don new clothes, boots, masks, and head

protection. Our clothes are placed in lockers awaiting our return.

The Center was built in 1988 for clean-up workers. Now it is used mostly for the occasional tourists, such as ourselves, given access to the Zone. We're told the clothes they give us will



TMIA's Gene Stilp at Chernobyl

be disposed of as radioactive waste when we return. But I learn the boots are cleaned and re-used; I suspect the clothes are too....

Radiation counts at the Center range from double to triple background levels at Kiev--still fairly low.

Properly outfitted, we climb on new buses--the ones that brought us here aren't allowed to go any further, the ones that take us now aren't allowed to leave the Zone.

A few minutes driving time later, we see a series of large buildings on the horizon, in the middle of a large flat field. We argue whether this is indeed Chernobyl or yet another abandoned industrial plant. It is Chernobyl.

We still don't know how close they will

take us to the reactor, but we soon find out: within 500 yards of the sarcophagus the bus suddenly stops and our guide says you may get out and take pictures, but please stay on the concrete, don't walk on the dirt.

The sarcophagus looms above us, huge, but somehow less impressive than the photos. In real life, Chernobyl is a series of banal industrial buildings, whose importance in changing the world is belied by its commonplace appearance.

Most of our radiation monitors go off-scale when we dismount from the bus. I have one monitor which allows me to adjust to higher levels. The count is nearly 2,000 counts per minute; according to my monitor this is about 2 millirems/hour. To those of us wrapped up in protective gear, listening to our radiation monitors click incessantly, this seems terrifyingly high--in just two days one would receive the U.S. annual maximum permissible dose.

Then we realize the truth of the matter: a friend from Kiev points out that this is the exact level citizens of that 3-million population capital city received every day for about two weeks after the accident--and no one ever told them, until well afterwards, that there was a problem.

Kiev is 80 miles south of Chernobyl and was spared the worst of the reactor's spewing of radiation and heavy metals. To the North and West, radiation levels were far higher for the May Day parades of 1986. But who knew?

If anyone doubts that Chernobyl brought down the Soviet system, talk to the parents of young children in 1986. Their rage, upon learning the true dimensions of Chernobyl, was unstoppable. The world's leaders should take note that no system could survive the wrath of mothers who have been lied to when their children were so endangered. In this event, the White House itself would fall....

TMA

July 1996

Three Mile Island Alert

The Newsletter of Three Mile Island Alert

July 1996

TMI Plaintiffs Challenge Dismissal

from Pennsylvania Law Weekly, July 8, 1996

Key plaintiffs' lawyers in the massive Three Mile Island litigation have filed a motion for reconsideration of Middle District Judge Sylvia Rambo's dismissal of all 2,000-plus cases alleging radiation damage from the 1979 nuclear accident.

Philadelphia lawyers Arnold Levin, Laurence S. Berman and Craig D. Ginsberg, with Harrisburg lawyer Lee C. Swartz, argued in the motion that dismissal was essentially a discovery sanction of the most severe kind. The motion also argued that Rambo erred by knocking all the plaintiffs out of court based on expert witness rulings that should have applied to only 10 "test" plaintiffs.

"The court has improperly sanctioned thousands of non-trial plaintiffs for what the court regards as late filings, even though these thousands of plaintiffs were not even scheduled for trial," the motion said. "Such a sanction is a gross abuse of discretion, a denial of fundamental fairness, and an incredible punishment of innocent litigants."

The motion, filed June 21, is the latest round between these plaintiffs' lawyers and Rambo, with an appeal to the 3rd Circuit as the next step.

Given Rambo's previous stance in the

case, the motion is likely more of an attempt to build a record for the appeal than an attempt to get a pro-plaintiff ruling from the judge. Rambo virtually ensured the cases would fail by throwing out all the plaintiffs' expert witness testimony in two rulings earlier this year.

She said at the time the testimony did not meet reliability standards for admitting expert testimony under *Daubert v. Merrell Dow Pharmaceuticals*. But critics said Rambo had ignored the trend in federal courts toward allowing federal juries to hear expert testimony and decide on their own how much weight to give the evidence.

Berman said after Rambo's first ruling excluding eight of the ten expert witnesses that the judge had merely "paid lip service" to *Daubert*, and imposed her own version of what constituted reliability.

On June 7 Rambo granted summary judgment to the TMI defendants as to "all plaintiffs," saying the evidence did not allow even an inference that any plaintiff had been exposed to at least 10 rems of radiation.

The June 21 motion for reconsideration said the court had

(Continued on page 3, column 1)

NRC Finds Security Problems at TMI

from a March 1, 1996, NRC letter to GPUN

On February 6-23, 1996, a reactive inspection was conducted at the Three Mile Island Nuclear Station, Unit 1. The purpose of the inspection was to review the circumstances related to a breach in the protected area barrier that was identified by a site protection officer on February 6, 1996.

Areas examined during the inspection are also identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspectors.

Based on the results of this inspection, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995). The apparent violation involved the failure to provide adequate compensatory measures during maintenance activities in the protected area, which enhanced the potential for an unauthorized individual to gain access from the owner controlled area into the protected area. Due to this event being similar to other security events that occurred in September 1995 and for which you were cited with a

(Continued on page 2, column 2)



Three Mile Island Alert
315 Peffer Street
Harrisburg, PA 17102

Three Mile Island Alert

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(Continued from page 1)

violation, the NRC is concerned about the implementation and effectiveness of the corrective actions to prevent recurrence of that type of violation that were provided in your "Response to Notice of Violation," dated December 20, 1995. Additionally, NRC staff interviews during the inspection period revealed that there is a lack of alertness to security requirements by workers in the Operations, Maintenance, Planning, and Security departments. Your root cause analysis for the recent event also identified this as a factor that contributed to the apparent violation. This raises further questions about the effectiveness of your corrective actions for the previous events.

It may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a predecisional enforcement conference.

Your response should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent

violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact this office within 7 days of the date of this letter.

In addition, please be advised that the number and characterization of apparent violations for the event described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Sincerely,

James T. Wiggins, Director Division of Reactor Safety

Please renew your TMIA membership

Name _____ Phone _____

Address _____ Zip _____

Membership: ☐ \$20 Regular Member ☐ \$50 Sustaining Member

☐ \$25 Non-Profit Org ☐ \$100 Patron

☐ \$5 Low Income/Student ☐ \$200 Club Member ☐ \$10 Newsletter only

Intervention Fund Contribution: ☐ \$10 ☐ \$20 ☐ \$50 ☐ \$100

Checks of \$50 or more can be made payable to the TMI Legal Fund for tax deduction purposes.

RETURN TO: TMIA, 315 Peffer Street, Harrisburg, PA 17102

The official registration and financial information for Three Mile Island Alert may be obtained from the PA Department of State by calling toll free, within PA, 1-800-732-0999. Registration does not imply endorsement.

(Continued from page 1)

refused to admit a key scientific study -- called the FISH method study -- into evidence as a discovery sanction, because it wasn't produced before March 1, 1995.

FISH stands for "fluorescence in situ hybridization," a method for calculating radiation exposure. A scientist who did research at Chernobyl after the nuclear accident there, Prof. Vladimir Shevchenko, was slated to testify on the TMI plaintiffs' exposure using the FISH method.

The motion said Rambo had ruled that supplemental expert submissions provided before Jan. 5, 1996, would be permitted but then precluded the plaintiffs from using the FISH study. "The exclusion of plaintiffs' FISH study evidence on discovery grounds, when coupled with the court's admissibility ruling regarding plaintiffs' other expert evidence on *Daubert* grounds," the motion said, "left plaintiffs with virtually no evidence with which to oppose defendants' motion for summary judgment, even though the court recognized that plaintiffs' FISH study was admissible under *Daubert*."

So the discovery sanction ultimately became dismissal, the motion said. "The court's refusal to allow the trial plaintiffs to rely on the FISH method data as a discovery sanction was tantamount to the imposition of dismissal as a discovery sanction, because it deprived the trial plaintiffs of scientific evidence that would have prevented summary judgment."

Moreover, the motion said, the court imposed the sanction on all 2,000 plaintiffs, not just the 10 "trial plaintiffs," even though "these thousands of plaintiffs were not even scheduled for trial."

Although the cases have been consolidated, the motion said, this was not a class action, and Rambo should not have treated it as such. The motion said Rambo had adopted the plaintiffs' case management plan, "which said nothing about consolidation of all pending personal injury claims for discovery and trial purposes, but rather, focused on the utilization of a group of trial plaintiffs

whose cases could serve as bellwether cases for the remainder of the pending actions."

According to the motion, plaintiffs other than the 10 test plaintiffs would be able to use the FISH study. "The court has erroneously leaped to the conclusion that the non-trial plaintiffs will not be able to develop expert causation testimony based on the state of the record," the motion said, "but since this issue has not yet been framed or developed on the record, the court's summary judgment against all the plaintiffs has deprived the non-trial plaintiffs of an opportunity to be heard and to present their individual cases." "The court's ruling is in direct contradiction to recent appellate court decisions reversing class certification in the mass tort context," the motion said.

But Rambo said in her summary judgment ruling in June that "it would be an exercise in futility" to allow any of the cases to go forward. "To the extent that the expert testimony of record fails to meet the test plaintiffs' evidentiary burden at this litigation, it will fail to meet the same burden as to every plaintiff," Rambo said.

The motion also said Rambo erred in deciding the plaintiffs had to prove at least 10 rems of exposure. "Reliable scientific authority recognizes that there is no safe threshold for exposure to radiation," the motion said, "and that the 10 rem level is more of a level of practicality for epidemiological purposes in order to conduct studies with manageably sized study populations. "The law does not require plaintiffs to show 10 rems of radiation exposure in order to prove causation," the motion said, arguing Rambo misinterpreted case law on the subject.

Republican Poll Finds Support For Environment

from Northwest Energy News, Winter 1996

In a nationwide survey commissioned by the pro-business Superfund Reform Coalition, pollster Linda Divall found that voters want strong backing for federal environmental laws, including the Endangered Species Act and Clean Water Act. Even among Republican voters, only 30 percent thought current environmental laws were too stringent.

Mobile Chernobyl Act May Reach Senate Floor Soon

from NIRS

New Senate Majority Leader Trent Lott (R-Miss.)--a co-sponsor of S. 1271, and Senate Energy Committee Chairman Frank Murkowski (R-Alaska), also a co-sponsor, last week called in Nevada Senators Richard Bryan and Harry Reid. Their message: they intend to bring S. 1271 for a vote on the Senate floor around July 12.

As you probably know, S. 1271 is best known as the "Mobile Chernobyl Act." It would set up an "interim" storage dump for high-level radioactive waste near Yucca Mountain, Nevada, without concern whether Yucca Mountain will be suitable for more permanent waste storage. It would also begin the unprecedented transportation of some 15,000 or more large canisters of high-level radioactive waste on our nation's highways and railways.

The nuclear industry has been waging its own "grassroots" campaign in favor of S. 1271. It is time for opponents to step up our activities. Lott and Murkowski wanted Bryan and Reid to limit their filibuster efforts. Fortunately, the two said no, so a filibuster fight will be on. The key vote will be a "cloture" vote, which is used to cut off a filibuster. To win (to keep the filibuster going), Bryan and Reid need 40 votes.

Please call your Senators, and ask them to 1) oppose S. 1271; 2) support the Bryan/Reid filibuster and oppose the "cloture" vote; 3) actively support the filibuster by speaking on the Senate floor. If your Senator is already opposed to the bill, emphasize support for the filibuster. Even if your Senator is completely committed to S. 1271 (or is a co-sponsor), it is important for Senate offices to know that the opposition is out there and nationwide. Remember, this is an election year.

Call: Capitol switchboard: 202-224-3121 Write: U.S. Senate, Washington, DC 20510. If your Senator is a co-sponsor of S. 1271, now is a great time for a letter to the editor blasting him/her for supporting the bill and all its problems.

NRC Expands Internet Web Site With Additional Features and Information

from a NRC Press Release

The Nuclear Regulatory Commission has changed and expanded its internet web page with additional documents and features. Several types of NRC documents are also available by internet e-mail subscription.

The internet address of the NRC Home Page is: <http://www.nrc.gov>. New features of the NRC internet web site include:

- Search capability for the information on the NRC web pages
- NRC news releases
- Periodic reports on the performance of nuclear power plants, known as SALP reports
- NRC staff telephone listings
- Schedule of NRC meetings open to the public
- Semiannual "Watch List" of nuclear power plants
- Weekly summary report of agency activities
- Description and status of selected technical issues

The NRC Web Site also has information on members of the Commission, various NRC offices, rulemaking procedures, and a variety of regulatory topics.

Several types of NRC documents are also available by internet e-mail on a free subscription basis. Persons with access to the internet can obtain NRC news releases and speeches, NRC generic communications, SALP reports, and a daily plant report "bundle."

To receive news releases and speeches by e-mail, send an e-mail message as follows:

To: listproc@nrc.gov
Subject: [leave blank]
Message: Subscribe PR-OPA [your first and last name]

Generic communications -- Bulletins, Information Notices, Generic Letters, and Administrative Letters -- are issued by the NRC staff to reactor licensees and other NRC licensees on various technical and regulatory issues.

To subscribe, send the following message:

To: listproc@nrc.gov

Subject: [leave blank]
Message: Subscribe gc-nrr [your first and last name]

Systematic Assessment of Licensee Performance (SALP) reports are issued every 18 to 24 months for each nuclear power plant. These reports cover plant operations, maintenance, engineering, and plant support, which includes radiation protection, security, and emergency planning.

To subscribe, send the following message:

To: listproc@nrc.gov
Subject: [leave blank]
Message: Subscribe salp [your first and last name]

The daily report bundle is issued each business day, and includes three reports: 1) Nuclear Plant Status Report with the status of each nuclear plant as provided to NRC by utilities; 2) Event Reports, including all events required to be reported to NRC in previous 24 hours by NRC-licensed facilities; and 3) Daily Report, items of interest prepared by NRC regional offices and other offices.

To subscribe, send the following message:

To: listproc@nrc.gov
Subject: [leave blank]
Message: Subscribe dr-nrr [your first and last name]

To remove your name from these subscription services, send a message to the same address (listproc@nrc.gov). In the message, substitute the word "unsubscribe" followed by the document [PR-OPA, DR-NRR, SALP-OPA or GC-NRR] and your name.

These documents are also available through the Fedworld online service via a tollfree number: 1-800/303-9672. The news releases, SALP reports, and daily bundle reports are in the NRC-PDR file library and the general communications are in the NRC-GC file library.

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News Notes

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♦ DEP To Update Radiological Health Regulations

The Pennsylvania Department of Environmental Protection (DEP) is developing amendments to its radiological health regulations contained in Chapters 216, 221, 223, 225, 227 and 228, which were last revised in 1983. The amendments will address technological advances, mostly in the medical profession, that have occurred. Issues to be addressed include new diagnosis and treatment methods, new federal regulations relating to industrial radiography, and the change in particle accelerators' design and function. The amendments will offer increased protection to both employees and patients for medical diagnosis and treatment applications and address health and safety concerns, including the reduction in unnecessary exposure to patients and employees/operators.

The proposed rulemaking is scheduled for EQB consideration in March 1997. For more information, contact Stuart Levin, Chief, Division of Radiation Control, at (717) 787-3720 or e-mail at Levin.Stuart@al.dep.state.pa.us.

Three Mile Island Alert

The Newsletter of Three Mile Island Alert

November 1996

Researchers Find Evidence of High Doses of Radiation Following 1979 TMI Accident

from August 26, 1996, Cancer Weekly Plus

Scientists at the University of North Carolina at Chapel Hill (UNC-CH) have found what they believe is evidence that exposure to high doses of radiation shortly after the nuclear accident at Three Mile Island increased cancer among Pennsylvanians downwind of the plant. Dr. Steven Wing, UNC-CH School of Public Health, led a study of cancer cases within ten miles of the facility from 1975 to 1985. He and his colleagues concluded that following the accident that began March 28, 1979, lung cancer and leukemia rates were five to ten times higher downwind of the Three Mile Island reactor than upwind.

"I would be the first to say that our study doesn't prove by itself that there were high-level radiation exposures, but it is part of a body of evidence that is consistent with high exposures," Wing said. "If you say that there was no high radiation, then you are left with higher cancer rates downwind of the plume that are otherwise unexplainable."

Wing presented his group's findings at the International Workshop on

Radiation Exposures by Nuclear Facilities, held at the University of Portsmouth in Portsmouth, United Kingdom, in July 1996. Co-authors of the report were Dr. Douglas Crawford-Brown, Dr. Donna Armstrong and David Richardson, all at UNC-CH.

The study involved re-analyzing data from a 1990 Columbia University study that concluded the nation's worst civilian nuclear accident was not responsible for slightly increased cancer rates near the plant because radiation exposures were too low. Wing and colleagues felt the earlier study was flawed and redid it using what they believed were better analytic and statistical techniques.

"Several hundred people at the time of the accident reported nausea, vomiting, hair loss and skin rashes, and a number said their pets died or had symptoms of radiation exposure," he said. "We figured that if that were possible, we ought to look at it again. After adjusting for pre-accident cancer incidence, we found a striking association between

the area believed to be downwind and increased cancers." He and his colleagues do not believe smoking and social and economic factors were responsible for the increased cancers found in the downwind sectors.

Most earlier researchers, as well as government and industry officials, have accepted as fact that only small amounts of radiation were released into the atmosphere, Wing said. But it is known that plant radiation monitors went off scale when the accident started. One or more plumes containing higher radiation could have passed undetected, he said.

Findings from the re-analysis of cancer incidence around Three Mile Island is consistent with the theory that radiation from the accident increased cancer in areas that were in the path of radioactive plumes, the scientist said. "This cancer increase would not be expected to occur over a short time in the general population unless doses were far higher than estimated by

(Continued on page 6, column 1)

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TMI's Engineering and Plant Support Slip in SALP Report

from a September 16, 1996, NRC Press Release

Three Mile Island Unit 1 has received performance ratings of "superior" in operations and maintenance and "good" in engineering and plant support in the Nuclear Regulatory Commission's latest systematic assessment of licensee performance (SALP) of the facility.

NRC assessment reports rate licensees in four functional areas - plant operations, engineering, maintenance and plant support - and assign Category 1, 2 or 3 depending on whether their performance in those areas was superior, good or adequate. In a letter to GPU, NRC Region I Administrator Hubert J. Miller, said, "Overall, the NRC continued to observe good safety performance at the Three Mile Island Plant, Unit 1. Performance continued to be strong in the Maintenance area and improved performance was noted in the Operations area; however, performance declined in the areas of Engineering and Plant Support due in part to poor management oversight of program implementation in several areas."

Mr. Miller has these comments on Three Mile Island's performance in engineering and plant support:

ENGINEERING

Engineering communications and planning have remained strengths.

The quality of design change activities and engineering's response to technical issues declined from the last SALP in that it varied significantly. Engineering performance in programmatic activities also declined. Performance in design basis documentation and updated final safety analysis report (UFSAR) updating programs was very good; however, performance in oversight of the motor-operated valve testing program exhibited significant weaknesses.

PLANT SUPPORT

The radiation protection program was effectively implemented, including successful performance noted in review of ALARA program results. However, some radiation worker performance issues were noted in adhering to high radiation area controls and contamination monitoring. Security performance declined as indicated by two occurrences involving problems with maintaining the integrity of protected area barriers. The emergency preparedness program performance was good; however, performance during the last full participation exercise was mixed.

Victory for Environmentalists! CONGRESS GOES HOME

from October 1996, The Nuclear Monitor (NIRS Newsletter)

It was described as the "most anti-environmental Congress in history."

The Republican "revolution" began in January 1995 with a full-scale attempt to roll back environmental regulations and cut environmental programs. Industry lobbyists crowded Capitol Hill hallways and offices, not just offering their views but actually writing the legislation.

The Nuclear Energy Institute confidently asserted that a bill to create an "interim" storage site for high-level radioactive waste would be passed and signed by Christmas 1995. Proposed "low-level" waste dumps at Ward Valley, California and Sierra Blanca, Texas would clear their last hurdles.

It didn't turn out quite that way.

Instead, as Congress limped toward adjournment in late September, a startling realization occurred: a combination of circumstance, conservative over-reaching, and firm veto threats from President Clinton resulted in the worst Congressional session for the nuclear power industry ever.

When the dust had cleared and the last Member had left town, environmentalists' jeers had turned to cheers.

Mobile Chernobyl Act

The centerpiece of the nuclear

industry's legislative initiatives: interim storage of waste at Yucca Mountain, Nevada--popularly known as the "Mobile Chernobyl Act"--never even reached the House floor for a vote.

After the Senate passed Mobile Chernobyl July 31 without enough votes to override a presidential veto, the Nuclear Energy Institute engaged in an estimated \$1.5 million campaign to try to force Clinton to change his mind. The effort was concentrated in key election battlegrounds like Michigan, Illinois and Iowa, and at the Democratic National Convention.

But the campaign, which generated thousands of phone calls to the White House, had no effect. At the end, without the votes to override a Presidential veto, the House

leadership meekly wrote to President Clinton and asked if he still planned to veto the bill. For the fifth time, Clinton reaffirmed his intention to veto Mobile Chernobyl.

And that was it. The House leadership called bill opponent Rep. John Ensign (R-Nev.) and told him they were pulling the bill (HR 1020, Upton, R-Mich.) from the floor.

It hadn't been easy: defeating Mobile Chernobyl had required heroic efforts from Nevada Senators Richard Bryan and Harry Reid, President Clinton's unwavering resolve to veto the bill, and, most

importantly, the work of thousands of grassroots activists across the country who realized what many Congressmembers at first did not: that moving high-level radioactive waste across the country, to a "temporary" site, was dangerous to all Americans, and benefited only the nuclear industry.

Far from consolidating waste at one spot, as the industry claimed, citizens quickly realized that implementation of "interim" storage would merely add one more waste dump to the 110 nuclear reactors still generating waste. And with 50 million Americans living within one-half mile of likely transport routes, the stakes for public safety were much higher than Congress had considered at the beginning of the session.

Ward Valley & Sierra Blanca

The end of the session sparked a new effort by Senate Energy Committee Chairman Frank Murkowski (R-Alaska) to force the transfer of federal land to California for the proposed Ward Valley "low-level" radioactive waste dump.

Murkowski tried twice to put such legislation in other bills, but both times a threatened filibuster by Sen. Barbara Boxer (D-Calif.) and a threatened veto from President Clinton stopped the measure.

Meanwhile, establishment of a

(Continued on page 7)

Thermal Science Fined \$900,000 For "Deliberate Misconduct" On Thermo-Lag Statements

from October 1996, The Nuclear Monitor (NIRS Newsletter)

The Nuclear Regulatory Commission October 1 fined Thermal Science, Inc. (TSI) \$900,000 for "deliberately providing inaccurate or incomplete information to the NRC concerning TSI's fire endurance and ampacity testing programs." TSI manufacturers the controversial Thermo-Lag fire barrier, declared "inoperable" by the NRC in 1992.

It was the second-largest fine in agency history, and by far the largest for a contractor. The NRC issued nine rarely-invoked Severity Level I violations to TSI. The standard fine for a contractor for such a violation is \$10,000 per violation. But the NRC instead levied its statutory maximum of \$100,000 for each violation "in order for TSI to understand the magnitude of NRC concern that TSI's actions are unacceptable for a licensee contractor and to provide TSI an appropriate incentive to ensure that it provides the NRC complete and accurate information in the future"

According to a October 1 letter from James Lieberman, Director of NRC's Office of Enforcement, TSI in writing and in oral statements made by its president, Rubin Feldman, submitted "inaccurate and/or incomplete information" about tests conducted on its Thermo-Lag fire barrier. The inaccurate statements began in October 1991 and continued

through August 1992, according to the letter.

Wrote Lieberman, "These misrepresentations include statements by TSI that 1) Thermo-Lag products had been subjected to independent testing; 2) TSI had no knowledge of deviations from its installation procedures; and 3) Underwriter's Laboratories (UL) had total control of ampacity testing performed at UL facilities and that these test results were the 'most conservative data' available to TSI.

Contrary to TSI's representations, the NRC's review has determined that: (1) Thermo-Lag product test was actually performed by TSI with only minimal involvement of ITL [Independent Testing Laboratories]; (2) TSI had knowledge of installation deviations occurring at licensee facilities; and (3) the ampacity derating tests performed at UL were not under the total control of UL and the data presented by TSI concerning these tests was not 'the most conservative data' available to TSI."

The charges are similar, though at least in some cases not identical, to those prosecuted by the Justice Department in a criminal trial of TSI and Rubin Feldman last year. Both were acquitted of those charges.

Trial observers believed that a key reason for the acquittal was the NRC's failure to order the material

removed and replaced from the nation's reactors. After all, if the NRC thought the barrier was so bad why didn't they remove it. If it was good enough to still be used, then why prosecute the company, seemed to be the jury's reasoning.

In a written statement, TSI said it will contest the fine, and noted that "since the trial, the NRC has continued to approve the use of Thermo-Lag in nuclear plants." TSI will first appeal the fine to the NRC staff, then the Commissioners, and then likely in court.

At one point, Thermo-Lag was used as a primary fire barrier in some 79 reactors. However, a number of utilities have either removed the material or taken other measures, so that 46 reactors are now still relying on Thermo-Lag for their fire barriers.

[Ed note: Officials at GPUN, which operates Three Mile Island, said the plant still has 2,600 linear feet of Thermo-Lag. Following a July 1993 order by the NRC, TMI began roving fire watches, having people walk around the plant looking for fires.]

NIRS, which first filed a petition calling for the removal of Thermo-Lag in mid-1992, repeated its demand that the material be removed and replaced from all the nation's reactors immediately.

(Continued on page 6, column 2)

New Jersey's Salem -1 Tops List of Nuclear Lemons

from an Oct. 9, 1996, Public Citizen Press Release

Public Citizen's Critical Mass Energy Project (CMEP) today charged the Nuclear Regulatory Commission (NRC) with callous disregard for public health and safety. The advocacy group says the NRC has failed to identify many of the most troubled nuclear reactors in the nation, and has failed to improve the performance of those problem reactors it has identified. The charges are detailed in *Nuclear Lemons*, a new CMEP report which lists the twenty-five worst nuclear reactors in the nation.

"The NRC's attempts to improve performance at troubled nuclear reactors have been an abysmal failure," said James Riccio, staff attorney for Public Citizen and primary author of the study.

Nuclear Lemons determines the worst commercial nuclear reactors based on twelve safety, economic and performance indicators. The rankings, which are being co-released with citizens groups across the country, are based entirely on statistics garnered from government and industry documents.

While the NRC keeps a "watch list" of problem plants, the agency has never explained the criteria used to create the list, or spelled out conditions to indicate when a reactor should be permanently closed. "The NRC identifies its problem plants," said Joan Claybrook, President of Public Citizen, "but the Commission has no established standards by which to judge when a nuclear reactor should be shut down. With so many aging,

deteriorating nuclear facilities threatening public health and safety, the NRC should be closing the most dangerous plants and moving aggressively to improve the remaining reactors."

"Increasing competition in the electric power industry threatens the survival of many nuclear plants that are far more expensive to operate and maintain than other sources of power," said Bill Magavern, Director of Public Citizen's Critical Mass Energy Project. "Instead of looking the other way, the NRC needs to keep a much closer watch on nuclear

utilities, which will be tempted to shortchange safety in their efforts to cut costs. And these nuclear lemons deserve the most scrutiny."

To receive regular alerts on energy policy through the Internet, sign up for the Critical Mass listserver by sending the following message to: listproc@essential.org

SUBSCRIBE CMEP-LIST Your Name - Organization (no acronyms) - Home state

The Critical Mass Energy Project world wide web site is located at: <http://www.essential.org/CMEP>.

25 WORST REACTORS OVERALL

#	REACTOR	STATE	UTILITY
1	Salem-1	NJ	Public Service Electric & Gas
2	Wash. Nuclear-2	WA	Washington PPSS
3	Millstone-2	CT	Northeast Utilities Service
4	River Bend-1	LA	Gulf States Utilities
5	Dresden-3	IL	Commonwealth Edison
6	Quad Cities-2	IL	Commonwealth Edison
7	Sequoyah-1	TN	Tennessee Valley Authority
8	Salem-2	NJ	Public Service Electric & Gas
9	South Texas-1	TX	Houston Lighting & Power
10	Perry-1	OH	Cleveland Electric Illuminating
11	Cooper Station	NE	Nebraska Public Power
12	LaSalle-1	IL	Commonwealth Edison
13	Dresden-2	IL	Commonwealth Edison
14	Fitzpatrick	NY	New York Power Authority
15	Fermi-2	MI	Detroit Edison
16	Millstone-1	CT	Northeast Utilities Service
17	South Texas-2	TX	Houston Lighting & Power
18	Haddam Neck	CT	Northeast Nuclear Energy
19	Indian Point-3	NY	New York Power Authority
20	Quad Cities-1	IL	Commonwealth Edison
21	Palisades	MI	Consumers Power
22	Brunswick-1	NC	Carolina Power and Light
23	Pilgrim-1	MA	Boston Edison
24	Sequoyah-2	TN	Tennessee Valley Authority
25	Zion-1	IL	Commonwealth Edison

("Cancer Study" Continued from page 1)

industry and government authorities," Wing said. "Rather, our findings support the allegation that the people who reported rashes, hair loss, vomiting and pet deaths after the accident were exposed to high level radiation and not only suffering from emotional stress."

The UNC-CH scientist said he found it ironic that U.S. District Court Judge Sylvia Rambo threw out more than 2,000 damage claims filed against the power plant by nearby residents in July 1996 citing a "paucity of proof" to support their cases. "Judge Rambo spent a year or more throwing out scientific evidence presented by the plaintiffs," he said. "After she threw out the evidence that people had been injured by the accident, including our work, then she ruled that there wasn't enough to proceed with the case."

He also found it odd that the court gave attorneys for the nuclear industry the right to review the earlier health effects research before it was made public. "I think our findings show there ought to be a more serious investigation of what happened after the Three Mile Island accident," Wing said.

Limitations of the study, like the earlier work, include the continuing difficulty of determining precise wind direction for several days following the accident. The UNC-CH researchers used information supplied by the Columbia scientists in the re-analysis.

("Thermo-Lag" Continued from page 4)

Said Paul Gunter, Director of NIRS' Reactor Watchdog Project, "The NRC has now fined the company for lying about its product's quality but all that has been done by the industry and the regulator is to paper over the problem. As long as the NRC and the utilities have been aware of this problem, they have only been able to generate stacks of paper that would really be more effective as a fire barrier than Thermo-Lag itself.

"The NRC should have ordered this combustible material removed and replaced years ago," continued Gunter. "Because of a multimillion-dollar price tag to remove Thermo-Lag and replace it with a fire barrier that works, the nuclear utilities have successfully stalled any effective action to protect the public in the event of fire."



Coalition States Excluded from Radioactive Waste Lawsuit

from September 9, 1996, (Harrisburg) Patriot-News

Opponents of Pennsylvania's legislation to create a low-level nuclear waste site for itself and three other states scored a minor victory by keeping a coalition of states out of the case.

The Appalachian States Low-Level Radioactive Waste Commission, representing Pennsylvania, Maryland, Delaware, and West Virginia wanted to be part of the suit that contends the Pennsylvania legislature violated the state constitution with shortcuts it took to adopt the law.

At issue in the lawsuit is whether the Legislature followed proper procedure in passing Act 12 of 1988, in which the commonwealth agreed to host the waste site and join the commission.

Commonwealth Court Senior Judge Silvestri ruled that the original state defendants - Treasurer Catherine Baker Knoll, Governor Tom Ridge, and the commonwealth itself - were sufficient to represent the interests of the commission.

Gene Stilp and Eric Epstein of Harrisburg, two long-time anti-nuclear activists and members of TMIA, filed the suit. They are joined by Thomas Linzey of Shippensburg.

(Continued from page 3)

Texas/Maine/Vermont compact, which requires Congressional approval, also stalled. The House overwhelmingly defeated an effort to approve the compact in 1995.

Since then, compact supporters had been attempting to marshal enough votes to try again. Apparently, they failed, as the matter was also left hanging at the end of the session.

Changing Priorities

Nuclear research and development funding took a big hit this Congress, as coalitions of environmentalists and budget-cutters took aim at nuclear pork-barrel projects.

In 1995, Congress eliminated the wasteful gas-cooled reactor program (now General Atomics, which relied virtually entirely on government spending for its gas-cooled reactor program as no U.S. utilities expressed meaningful interest in the project, is trying to sell the idea to Russia for use as a plutonium-burning reactor).

This year, in the industry's only victory of the Congress, the Advanced Light Water Reactor (ALWR) narrowly survived extinction. But DOE officials reportedly have said that the administration will seek to end that program entirely next year.

Ken Bossong of the Sustainable Energy Coalition reported October 3 that nuclear programs took \$18.6 million in cuts from FY 96 to FY 97

(and FY 96 was cut from the previous year). \$11.6 million was cut from nuclear fusion programs, \$5 million from pyroprocessing and \$2 million from the ALWR.

Meanwhile, energy efficiency and renewables programs were increased by \$11.4 million from last year, for a total shift away from nuclear and toward sustainable energy programs of \$30 million--a welcome trend.

The Next Congress

It's probably too early to make any solid predictions about what nuclear-related legislation the next Congress may consider.

But at least a few things are clear: first, the nuclear industry will be back, pushing some form of radioactive waste legislation. Rep. Upton already has promised the industry that he will re-introduce an "interim" storage bill at the beginning of the next Congress.

Second, whether Democrats or Republicans control the House seems irrelevant: support for "interim" storage and opposition to Nevada seems likely to continue. If Republicans win, Rep. Thomas Bliley (R-Va.) seems likely to return as the House Commerce Committee chair; if the Democrats win, Rep. John Dingell (D-Mich.), who has clashed with Nevada's Democratic Senators in the past, likely will return as Chair.

A key question will be whether, if

"interim" storage legislation is passed, President Clinton will maintain his veto posture in a non-election year. The Nuclear Energy Institute industry already has accused the President of issuing his veto threat solely to win Nevada's five electoral votes, and predicts that he will sign a bill next session.

Still, the industry's defeat this Congress, and the growing public opposition to "interim" storage and unnecessary radioactive waste transportation, may lead Congress to consider different alternatives. And environmentalists are likely to be in a stronger position to influence the debate than they were at the beginning of this Congress.

"Low-level" waste legislation may also receive Congressional attention next session, but by far the biggest subject Congress will tackle is utility deregulation. This will take a lot of Congressional time and energy, and its impact on the future of the nuclear power industry and the drive for sustainable energy could be substantial.

Chernobyl Danger

from September 30, 1996, The (Harrisburg) Patriot-News

A sudden rise in radioactivity at Ukraine's damaged Chernobyl nuclear power station was caused by a limited chain reaction inside the entombed facility, according to government officials. About 100 tons of nuclear fuel remain inside the plant, but no decision has been made on how to remove it. There are plans, however, to strengthen the sarcophagus that was hastily erected after the 1986 explosion.

LET US

CELEBRATE!

THE UNITED NATIONS HAS PASSED A TREATY (158-3) TO HAVE
ALL NATIONS STOP TESTING NUCLEAR WEAPONS.

ON SEPTEMBER 24, THE PRESIDENT SIGNED THE TREATY FOR
THE U.S. OTHER NATIONS HAVE ALSO TAKEN THIS FIRST STEP
TO END THE NUCLEAR AGE!

JOIN US

SUNDAY, NOVEMBER 17, 1996
PENBROOK UCC
56 BANKS STREET, HARRISBURG



5:30 PM POTLUCK SUPPER. BRING A DISH TO SHARE.
SALAD - HOT DISH - OR DESSERT
6:30 PM A PROGRAM OF SONG....MUSIC....AND DANCE



YOU WILL BE WELCOMED BY MEMBERS OF THE SUPPORTING ORGANIZATIONS:
Harrisburg Center for Peace & Justice; Harrisburg Friends
Meeting; Harrisburg-Hiroshima-Nagasaki Cmte; Hershey-Harrisburg
Chapter Physicians for Social Responsibility; Interfaith Peace
Cmte of Greater Harrisburg; International Students at HAAC;
Market Square Church Peacemaking Cmte; People for Peace;
Spiritual Assembly of the Baha'is of Harrisburg; St. Theresa's
Cmte for Social Justice; Unitarian Cmte for Peace & Global
Understanding; United Nations Association of Central Pennsyl-
vania; Women's International League for Peace & Freedom.

For information: Irene Bernstein, 238-1711; Emogene Trexel,
234-4202.

News Notes:

- ♦ The TMIA Planning Council meets Thursday, November 14, 1996, at 7 pm at the TMIA office, 315 Peffer Street, Harrisburg. All members are welcome.
 - ♦ TMIA is again offering the Syracuse Cultural Workers' calendar. The 1997 edition is entitled "Carry It On." This 26th edition of the internationally acclaimed celebration of art, activism and community includes the Maestrapeace mural in San Francisco, the Million Man March, Chiapas, and a memorial sculpture to the Pan Am 103 bombing victims. You can pick one up at the TMIA office for \$10, or we'll gladly mail it to you upon receipt of your check or money order for \$11. To pick up a calendar, or for more information, call Kay Pickering at the TMIA office at 717-233-7897.
 - ♦ Once again, the Pennsylvania Public Utility Commission is sponsoring "Be Winterwise" Utility Fairs. The fairs will offer valuable information on conservation, weatherization, and utility assistance programs. Workshops on electric competition and telephone education will be held throughout the day of the fair. Here is the time and date of the Harrisburg fair. **Where:** Heinz Senior Center, Fourth Street, Harrisburg, **When:** Friday, November 15, 10 am - 2 pm.
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