ADJUDICATORY ISSUE

(Information)

June 22, 1983

SECY-83-245

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For: The Commissioners

From: John E. Zerbe, Director
Office of Policy Evaluation

HHEP Herzel H. E. Plaine
General Counsel

Subject: REVIEW OF GPU v. B&W TRIAL TRANSCRIPT, OF STAFF REPORT ON TRIAL RECORD, AND OF COMMENTS OF PARTIES TO THE TMI-1 RESTART PROCEEDING ON THAT REPORT

Purpose: To identify and evaluate information of possible significance for the TMI-1 (Restart) decision and to provide an evaluation of the trial transcript for litigation purposes

Discussion:

Introduction

Pursuant to Commission direction of February 25 and March 25, 1983, OPE and OGC have reviewed the EDO staff's March 28, 1983 report on the GPU v. B&W trial record and the comments by parties to the TMI-1 Restart proceeding on that report. OGC has also reviewed the GPU v. B&W trial transcript.

An analysis of the implications of these reviews to the Commission's immediate effectiveness decision for TMI-1 restart is in Attachment A, which was prepared by OPE.

Attachment B is OGC's analysis of the staff report in light of OGC's review of the transcript. Attachment B was prepared

Information in this record was deleted in accordance with the Freedom of Information Act, exemptions [illegible] FOIA

Contact:
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Michael Blume, OGC, X-43295

OPE's conclusions in Attachment A are based on: (1) the parties' comments; (2) the staff report on the GPU v. B&W trial record; (3) the record in the TMI-1 restart proceeding; and (4) the OGC trial transcript review and analysis found in SECY-83-136 and Attachment B to this paper.

Background

Ex. 5

General Comments

Attachments:
A. OPE Evaluation of the Implications of the GPU v. B&W Trial Reviews and Parties' Comments for a TMI-1 Immediate Effectiveness Decision
B. OGC Analysis of GPU v. B&W Transcript and of Staff Report on GPU v. B&W Trial Record

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ATTACHMENT A

ATTACHMENT A

GPU v. BABCOCK & WILCOX: IMPLICATIONS OF STAFF REVIEW AND PARTIES' COMMENTS FOR A TMI-1 IMMEDIATE EFFECTIVENESS DECISION

We have evaluated the staff review team's report on the GPU v. B&W trial record and the parties' comments on that staff report. The following discussion summarizes party comments and outlines our view of the implications of the staff report and the parties' comments to the TMI-1 immediate effectiveness decision. We have made the following assumptions in conducting this analysis.

Additionally we believe

We will individually discuss the significance of those issues we feel are important to an immediate effectiveness decision.

Adequacy of the Staff Report

Several parties commented that the staff's report reviewing the GPU v. B&W trial record was inadequate. In particular they alleged that it represents no more than a protection of the staff's vested interest, supporting its earlier conclusion that GPU management is adequate and that TMI-1 should be restarted.

1/ This review has not evaluated
These two items will be reviewed separately by us.

We believe

This issue will be further discussed in our review of

We believe

We

therefore

Thus, OPE does not believe

First, our review of the trial record indicates that

we have

seen

However, OPE does not

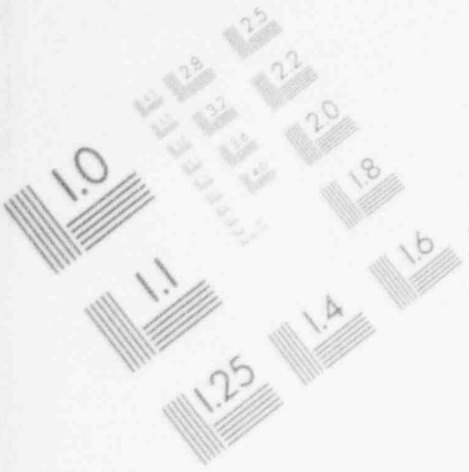
OPE does not believe that

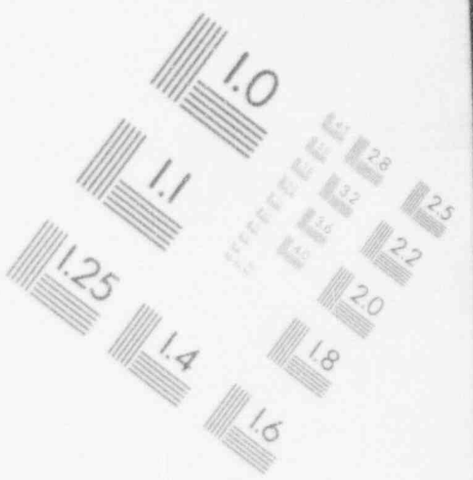
OPE believes

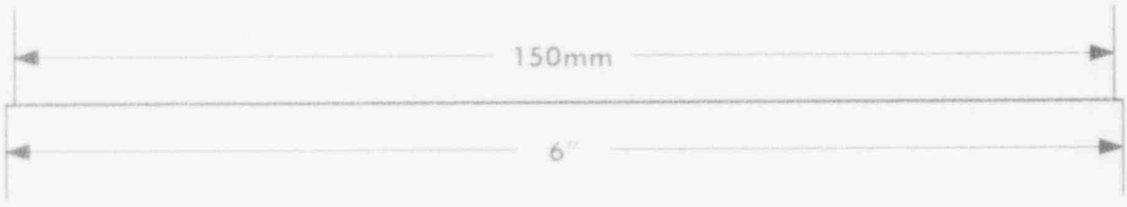
OGC believes thaι

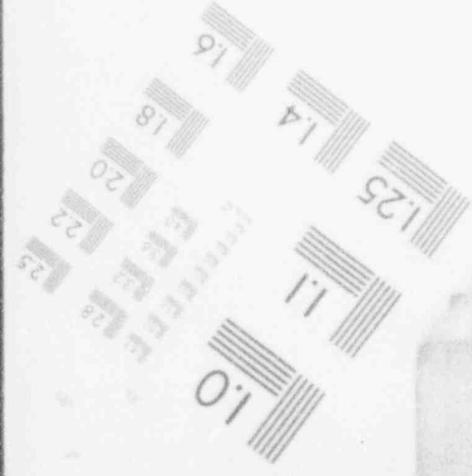
1

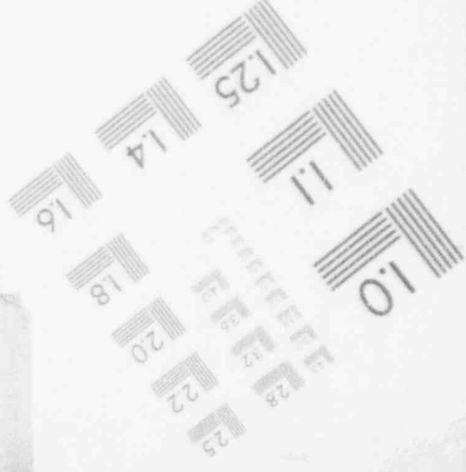
IMAGE EVALUATION
TEST TARGET (MT-3)











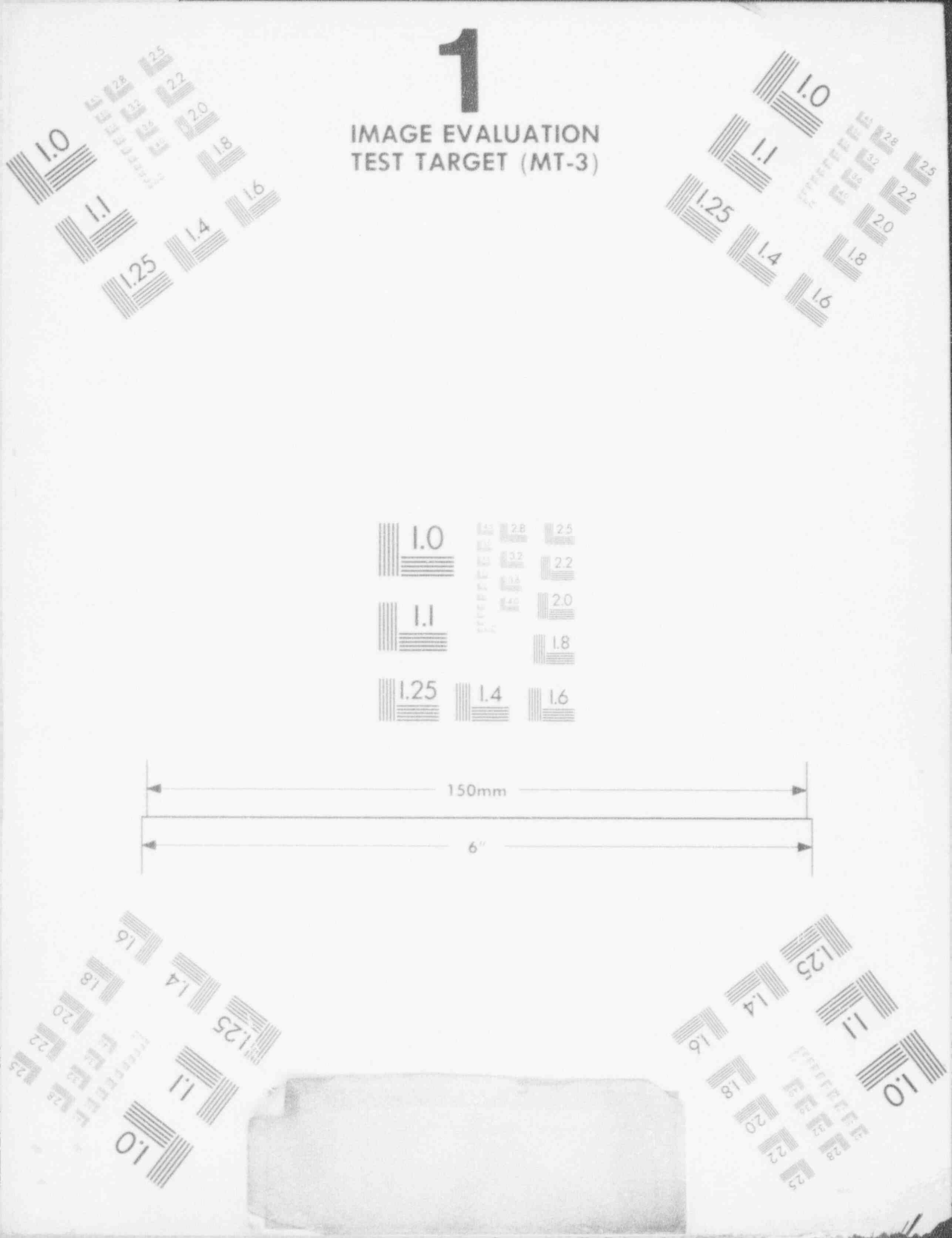

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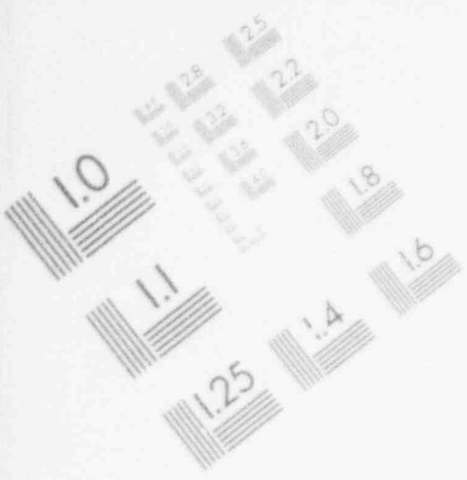
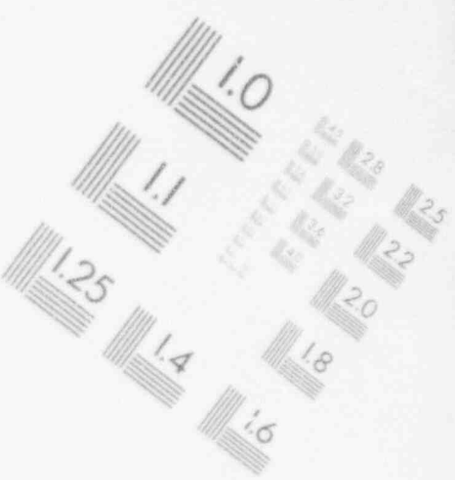
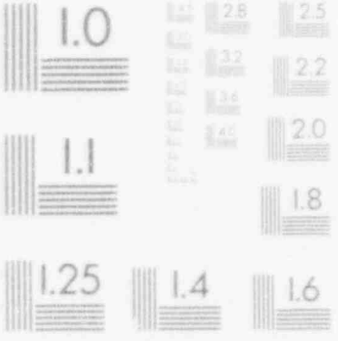
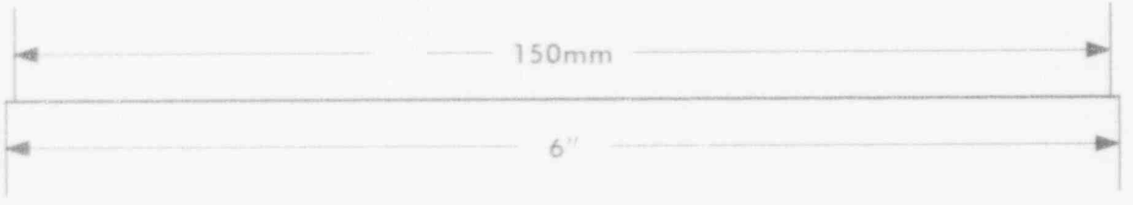
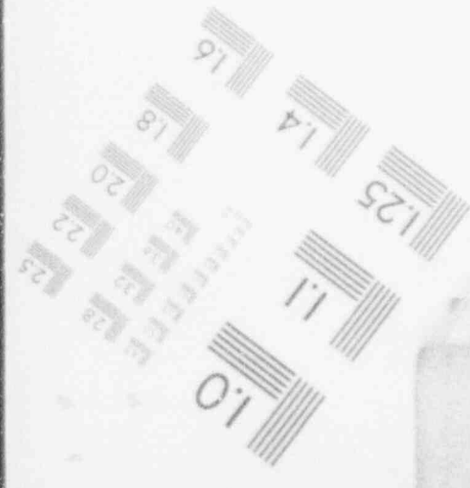
IMAGE EVALUATION TEST TARGET (MT-3)

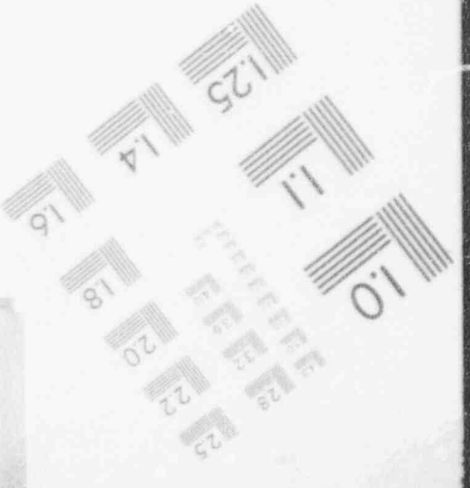


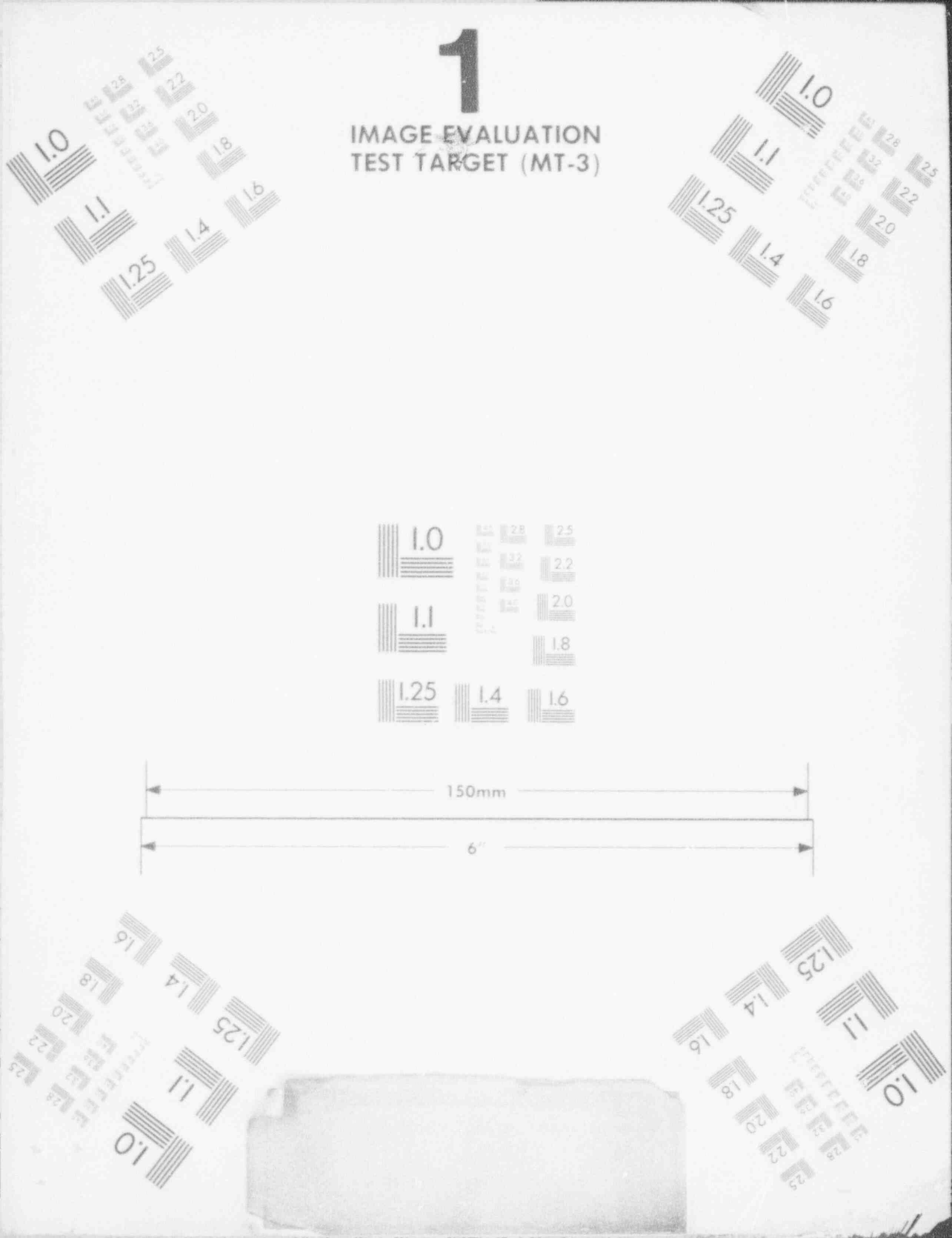








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150mm
6"

In our view,

We

believe that

On the basis of the

record, we continue to believe that

We have independently noted

OPE does not believe

Our review

further

OPE will be prepared to discuss this matter

Our review

OPE will be prepared to discuss this matter further