



July 5, 1983

## POLICY ISSUE

SECY-83-268

(NEGATIVE CONSENT)

For: The Commission

From: James A. Fitzgerald  
Assistant General Counsel

Subject: TRANSCRIPT REVIEW OF TMI-1 RESTART MEETINGS  
(FOIA-83-320)

Purpose: To provide OGC's proposed disposition of the  
Closed Meeting Transcripts responsive to  
FOIA-83-320

Discussion: On June 8, 1983 Jim Detjen of the Philadelphia  
Inquirer requested under the Freedom of  
Information Act transcripts of all closed  
Commission meetings between August 27, 1981  
and May 10, 1983 at which Commission members  
discussed the restart of Three Mile Island,  
Unit 1 (TMI-1). The Secretariat identified  
fifteen transcripts responsive to that  
request.

In our review of those transcripts we found  
five basic categories of discussion:  
(1) steam generator tube repairs;  
(2) scheduling and procedural matters  
concerning the adjudication; (3) substantive  
matters at issue; (4) investigations; and  
(5) psychological stress. We will discuss  
each of those categories separately and  
identify excerpts we believe should be  
released. Those excerpts are attached to the  
proposed response.

CONTACT:  
Rick Levi, OGC  
4-1465

9309220295 930428  
PDR FOIA  
GILINSK92-436 PDR

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA 92-436

9/60

A. Steam Generator Repairs

We informed the court in Philadelphia Newspapers, Inc. v. NRC that we would release portions of transcripts that discussed matters outside of the restart proceeding.

EX.  
5

B. Scheduling and Procedural Matters  
Concerning the Conduct of the  
Adjudication

However, we recommend that the

C. Substantive Matters at Issue

We recommend that

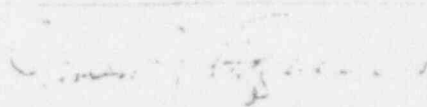
D. Investigations

Ex. 5  
recommend

We

E. Psychological Stress

Ex 5  
Recommendation:

  
-James A. Fitzgerald  
Assistant General Counsel

Attachments:

1. Proposed letter to Detjen with excerpts from transcripts
2. FOIA request

SECY NOTE: In the absence of instructions to the contrary, SECY will notify OGC on Monday, July 11, 1983 that the Commission, by negative consent, assents to the action proposed in this paper. (The response time on this paper has been shortened per request of OGC in order to make a timely response to the FOIA request.)

DISTRIBUTION:  
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Ex 5  




Attachment 1

W/n:  
EX 5

## Appendix A

### LIST OF CLOSED COMMISSION MEETINGS

#### TMI-1 RESTART

	<u>Date</u>	<u>Title</u>
1.	10/6/81	TMI-1 Restart
2.	11/6/81	TMI-1 Restart
3.	12/9/81	Discussion of Scheduling Matters Regarding TMI-1 Restart Proceeding
4.	12/21/81	Briefing on Contested Matters in TMI-1 Restart Proceeding
5.	12/22/81	Affirmation/Discussion Session TMI-1 Restart Order
6.	1/20/82	Discussion of TMI-1 Restart Court Litiga- tion
7.	3/10/82	Discussion of TMI-1 Restart Proceeding
8.	9/10/82	Discussion of Contested Issues on TMI-1 Restart Proceeding
9.	12/1/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
10.	12/6/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
11.	12/9/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
12.	12/10/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
13.	12/17/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
14.	1/13/82	Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding
15.	4/18/83	Discussion of Steps to Decision in TMI-1 Restart Proceeding

Appendix B

Rel.

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

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In the Matter of: CLOSED MEETING

AFFIRMATION/DISCUSSION SESSION (PORTION)

THREE MILE ISLAND UNIT 1 RESTART ORDER

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DATE: December 22, 1981

PAGES: 1 - 10

AT: Washington, D. C.

ALDERSON  REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 - - -  
4 CLOSED MEETING  
5 - - -

6 AFFIRMATION/DISCUSSION SESSION  
7 THREE MILE ISLAND UNIT 1 RESTART ORDER

8 Room 1130  
9 1717 H Street, N. W.  
Washington, D. C.

10 Tuesday, December 22, 1981

11 The Commission meeting was convened, pursuant to  
12 notice, at 3:45 p.m., NUNZIO PALLADINO, Chairman of the  
13 Commission, presiding.

14 PRESENT:

15 COMMISSIONERS:

16 NUNZIO PALLADINO, Chairman  
17 JOHN AHEARNE  
18 PETER BRADFORD  
VICTOR GILINSKY  
THOMAS ROBERTS

19 COMMISSION STAFF:

20 SAMUEL CHILK, Secretary  
21 LEONARD BICKWIT, General Counsel  
22  
23  
24  
25

## 1 PROCEEDINGS

2 CHAIRMAN PALLADINO: General Counsel has  
3 distributed to each of the Commissioners a TMI opinion,  
4 majority opinion. Len, you might -- excuse me. I wonder if  
5 we might have attention.

6 Len, you might walk us through that document.

7 COMMISSIONER GILINSKY: Can I ask you, I gather  
8 this was circulated to the Commissioners for whom it was  
9 done previously, is that right?

10 MR. BICKWIT: It was circulated to the  
11 Commissioners who are in the majority on this matter.

12 COMMISSIONER GILINSKY: I don't begrudge them this  
13 opinion, but that isn't the way we have done business in the  
14 past.

15 MR. BICKWIT: It sometimes is the way we do  
16 business. Every now and then we get requests from a  
17 Commissioner to provide drafting assistance, a piece of  
18 drafting assistance.

19 COMMISSIONER GILINSKY: But not for a Commission  
20 opinion.

21 MR. BICKWIT: And we provide it. On many  
22 occasions, you have members of the majority who are trying  
23 to work out language in the final phases leading up to an  
24 agenda planning session, and they are working with each  
25 other to get it done, and this is just a variant on that

1 theme.

2 COMMISSIONER GILINSKY: It is not a variant,  
3 because you are a Commission officer. I regard it as an  
4 extraordinary breach.

5 MR. BICKWIT: I disagree.

6 COMMISSIONER GILINSKY: It is a practice we have  
7 not followed in the past.

8 MR. BICKWIT: I have followed the practice of  
9 providing drafting assistance when I am asked to by a  
10 Commission office, and on occasion by several.

11 COMMISSIONER GILINSKY: Suppose you were asked by  
12 four Commissioners to draft something you would not show a  
13 fifth Commissioner?

14 CHAIRMAN PALLADINO: Was this not distributed to  
15 all the Commissioners?

16 MR. BICKWIT: It was distributed to all the  
17 Commissioners only an hour ago.

18 COMMISSIONER BRADFORD: That is a practical as  
19 well as a substantive problem.

20 CHAIRMAN PALLADINO: I thought all Commissioners  
21 had gotten it at the same time. I don't know when we got  
22 it.

23 COMMISSIONER GILINSKY: I don't see any difficulty  
24 about your office preparing opinions for one, two, three,  
25 four or five Commissioners. But others would, in view of

1 this opinion, prepare their own opinion. I haven't actually  
2 looked at the details of this, so I don't have any  
3 substantive arguments here. But I think this is not a  
4 practice we ought to follow.

5 MR. BICKWIT: The Commission is free to use the  
6 Commission offices any way it likes. If you want to adopt  
7 the stance that we will not prepare anything for a  
8 Commission office or for a group of Commission offices  
9 without circulating that to all of the Commission offices,  
10 that is a posture we can live with, we'll be happy to live  
11 with. But that has not been my understanding of the way  
12 --

13 COMMISSIONER GILINSKY: Let me say, that is fine  
14 with me. But I do see a difference between doing something  
15 for an individual Commissioner that relates to work that is  
16 going on here and drafting basically a Commission opinion  
17 which is not shown to some Commissioners.

18 MR. BICKWIT: It was always understood that it  
19 would be shown to all Commissioners once it was agreed upon  
20 by a majority. The request came from the Chairman's office  
21 to respond to the dissents that had been circulated by you  
22 and Peter, and we tried our hand at a piece of drafting that  
23 might be found acceptable.

24 We furnished it to the Chairman's office. The  
25 Chairman's office furnished it to other members of the



5  
1 majority to see whether it was acceptable. It was not  
2 acceptable to Commissioner Ahearne. He circulated another  
3 version. And I found it to be very similar to the  
4 circumstance where members of a hoped for majority are  
5 attempting to put something together in the final stages.

6           COMMISSIONER GILINSKY: Well, I will say, the  
7 Chairman is obviously aware that it was uncirculated.

8           COMMISSIONER AHEARNE: Can I step in? I do not  
9 see any problem with what you did up to -- I don't see any  
10 problem with assisting, up to the point of when we come to  
11 affirmation right now. I think you're absolutely right and  
12 I think we all have asked -- I know I have asked, I know you  
13 have asked at times -- somebody in OGC to at least take a  
14 cut at something.

15           I think that is a good purpose that their office  
16 is there for. And if we ask him to take a cut at something,  
17 I don't think that he should be obligated in doing that  
18 drafting to distribute it to everybody. At some point when  
19 a majority is working on an opinion, if that is formed, then  
20 that ought to be distributed for everybody to develop  
21 comments on, because it is the bringing it to affirmation  
22 suddenly that is the surprise.

23           COMMISSIONER BRADFORD: I must say, there's  
24 something of a difference between the situation that is  
25 analogous and the situation as I thought it was. I am less

1 concerned with OGC sending it up to one office in response  
2 to a request, which I gather is what happened, and then that  
3 office circulating, then I am somehow with OGC drafting a  
4 majority opinion, sending it to three Commissioners and not  
5 to the other two. I gather that is not what happened.

6 MR. BICKWIT: I must say, I don't find a great  
7 distinction there. But what did actually happen fell on the  
8 benign side of your distinction.

9 CHAIRMAN PALLADINO: I think one of our problems  
10 is that we had so little time to get this out and it just  
11 didn't come early enough for complete interaction.

12 COMMISSIONER AHEARNE: And certainly I thought it  
13 had been distributed.

14 CHAIRMAN PALLADINO: I thought in this particular  
15 case, since it was trying to represent this balance of views  
16 as again taking into account the majority views, I thought  
17 it had to be distributed to all. So that was a failure of  
18 mine.

19 COMMISSIONER BRADFORD: All of that having been  
20 said, I have skimmed it and don't see any problem in going  
21 forward with it. I don't know whether I would want to  
22 modify a word or two in my views. I haven't read it that  
23 closely. But if you want to go forward on that basis, given  
24 the practical problems of the Commission's schedule over the  
25 next ten days and the need to get this thing out, I have no

1 objection.

2 CHAIRMAN PALLADINO: I gather, though, there was  
3 one error, one difference between --

4 MR. BICKWIT: You now have got two possible ways  
5 for the majority to go, and our hope was simply that the  
6 majority could iron out the difference and that we could  
7 move from there.

8 CHAIRMAN PALLADINO: I gather you felt we should  
9 keep the longer version?

10 MR. BICKWIT: That's right.

11 CHAIRMAN PALLADINO: I thought you were going to  
12 --

13 COMMISSIONER AHEARNE: He tried to reach me.  
14 Unfortunately, the times he tried to reach me I really was  
15 unavailable to talk.

16 CHAIRMAN PALLADINO: Was there any particular  
17 point in keeping the longer version?

18 MR. BICKWIT: The only difference is that the  
19 longer version I think will confuse 99 percent of the public  
20 and the shorter version will confuse 99.5 percent. I find  
21 the shorter version equivalent in substance, but just a  
22 little bit more cryptic than what we were able to draft.  
23 And so I would recommend the longer version. But the  
24 shorter version is fine.

25 COMMISSIONER AHEARNE: I can only say, I can't

1 speak to the percentage of confused people, but there would  
2 be at least one less confused with the short version.

3 CHAIRMAN PALLADINO: The uncertainty between 99  
4 and 99.5 is at least 20 percent.

5 MR. BICKWIT: I guess I would recommend to the two  
6 other members of the majority that you support Commissioner  
7 Ahearne's version if you want to get an order out.

8 CHAIRMAN PALLADINO: I was about to suggest that.  
9 I'm ready to support Commissioner Ahearne's short version.

10 COMMISSIONER ROBERTS: So am I.

11 CHAIRMAN PALLADINO: I gather Commissioner Roberts  
12 is. And I don't know how Commissioner Gilinsky and  
13 Commissioner Bradford feel on the order.

14 COMMISSIONER GILINSKY: I do not propose to vote  
15 on this one.

16 CHAIRMAN PALLADINO: How about you, Pete?

17 COMMISSIONER BRADFORD: Well, as I say, I think  
18 the practical need of having an order is such that I have no  
19 objection to going forward with it. I do want to read it a  
20 little more closely and see whether it requires any editing  
21 to my separate view. My disagreement is only with part of  
22 the order in any case, and if I have to sharpen my pencil a  
23 little as to that I will do that and circulate the changes,  
24 changes to my views, not to the order.

25 CHAIRMAN PALLADINO: To your views, okay. Well

1 then, you vote in favor of the order, subject to -- are you  
2 going to append some views to this?

3 COMMISSIONER BRADFORD: That's right.

4 CHAIRMAN PALLADINO: Can we have a vote on  
5 approving this?

6 COMMISSIONER BRADFORD: In effect, I'm voting for  
7 the schedule and against the provision relating to requests  
8 for a stay. I don't know if Sam can keep that straight.

9 MR. CHILK: I'll keep it straight.

10 CHAIRMAN PALLADINO: You know what he's voting  
11 on. Does that constitute a vote for the order?

12 COMMISSIONER BRADFORD: In part.

13 CHAIRMAN PALLADINO: All those in favor of the  
14 order as modified by Commissioner Ahearne?

15 (A chorus of ayes.)

16 CHAIRMAN PALLADINO: Opposed?

17 (No response.)

18 CHAIRMAN PALLADINO: I guess you have abstained  
19 and you have expressed your vote.

20 COMMISSIONER BRADFORD: I have a partial vote.

21 CHAIRMAN PALLADINO: And you will be adding some  
22 additional views.

23 Any other items to come up before the affirmation  
24 session?

25 MR. CHILK: None at all.

1 CHAIRMAN PALLADINO: We will stand adjourned.

2 (Whereupon, at 3:54 p.m., the meeting was  
3 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
COMMISSION MEETING

In the matter of: CLOSED MEETING - AFFIRMATION/DISCUSSION SESSION  
THREE MILE ISLAND UNIT 1 RESTART ORDER

Date of Proceeding: December 22, 1981

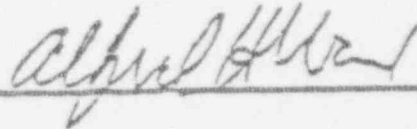
Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript  
thereof for the file of the Commission.

Alfred E. Ward

Official Reporter (Typed)



Official Reporter (Signature)





OFFICE OF THE  
SECRETARY

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

June 16, 1983

TO: Office of General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: TRANSCRIPT OF CLOSED MEETING (UNCLASSIFIED)

Attached is the transcript from the Closed Commission meeting held on Wednesday, January 20, 1982 Exemption(s) 10 was (were) used to close the meeting.

The attached transcript and its attachments has been determined to contain, in whole or in part, information which the Commission is authorized under the Government in the Sunshine Act, 5 U.S.C. 552b to withhold from public disclosure. This transcript has been provided for use consistent with Commission requirements. The disclosure of any portion of this transcript to any person outside the Commission or, where appropriate, outside your immediate office is expressly prohibited.

This copy should be kept in a secure storage area and, when no longer needed, should be disposed of or returned to the Office of the Secretary.

For information concerning further disclosure of the transcript, please contact the Secretary or General Counsel's office.

*Skipped as  
outside scope*



1 exchange comments and then we can get concurrence.

2 COMMISSIONER AHEARNE: I guess there actually is a  
3 vote sheet on S2-16.

4 MR. CHILK: There are vote sheets around.

5 CHAIRMAN PALLADINO: On this particular portion of  
6 it?

7 MR. CHILK: Yes. It might be clearer if I just  
8 sent another vote sheet out. The vote sheet covers the  
9 whole paper and I think it covers a number of issues.

10 CHAIRMAN PALLADINO: I think specifically on this  
11 issue.

12 COMMISSIONER BRADFORD: That will teach me to fill  
13 them out early.

14 CHAIRMAN PALLADINO: All right. We had two other  
15 questions, whether or not to instruct the staff to proceed  
16 with preparing an environmental impact assessment.

17 My own feeling would be to have the staff so proceed  
18 so that we don't have to put things in series and in the event  
19 that we need it we will at least have it under way.

20 I do gather it is going to take until around June 1st  
21 to get an environmental impact assessment, at least that is  
22 what your paper says at a cost, I believe it said, of \$120,000,  
23 but that we could get an indication by sometime in March whether  
24 or not we are going to need an environmental impact statement.

25 Is that correct?

1 MR. BICKWIT: That was our view. We are obviously  
2 reflecting the staff views on this. I think you ought to  
3 speak to the staff directly.

4 CHAIRMAN PALLADINO: May we get the staff views  
5 on it?

6 COMMISSIONER AHEARNE: Also perhaps some description  
7 of what they have in mind.

8 MR. DENTON: We suffer from the problem of not having  
9 the order, also. So we don't exactly know what the Commission  
10 has in mind.

11 COMMISSIONER BRADFORD: Or the court.

12 MR. DENTON: I mean what the court has in mind.  
13 Our present plan is to meet with the applicant this Friday  
14 and see what work he had done in this area, retain the group  
15 that we had previously used during the Krypton venting issue  
16 and some of our other outside consultants.

17 We can deal more easily with issue number two  
18 which was the regional economic impacts of restart, than we  
19 can the impacts on a single individual.

20 We have no one on the staff who has a special skill  
21 in that area. So it will require that we contract out that  
22 part. There are extensive studies of stress already available  
23 in the area and I think the time frame required by the staff  
24 really depends on what extent those previous studies are  
25 applicable to answer the court's questions.

1           If new studies are required, it will take longer.  
2 I think it is true that in six weeks to two months we will  
3 be able to have completed an initial assessment of this issue  
4 and decide whether an assessment or a statement is the  
5 appropriate way to go.

6           The statement takes a bit more work. It also  
7 requires a balancing of overall cost and benefits of the  
8 project.

9           COMMISSIONER AHEARNE: Do you see this assessment  
10 and the environmental impact statement process as being one  
11 that would have to cover more than just the psychological  
12 stress or do you see it if you went into an environmental  
13 impact statement, it would have to be a full balancing or  
14 would it be focused on strictly that one issue?

15          MR. DENTON: There are two contentions, the  
16 individual stress and the regional stress. So I think either  
17 assessment or the statement would have to consider both of  
18 those issues. A statement does have to do a balancing.

19           I would hazard a guess that if the original  
20 environmental impact statement was found adequate to cover  
21 all the other areas, we would have to put psychological  
22 factors in the balance and write a section rebalancing  
23 in drawing a final conclusion again, but not necessarily  
24 deal with all the other issues which were dealt with in the  
25 earlier statement.

1 CHAIRMAN PALLADINO: Harold, is an environmental  
2 impact assessment going to require surveys of how people  
3 feel?

4 MR. DENTON: I think they have already been done.  
5 In other words, there have been so many studies done in that  
6 area and the stresses originate from multiple causes. There  
7 are the impacts from the accident. There are the impacts  
8 from the clean up or pace of the clean up and then there are  
9 the impacts from a restart.

10 CHAIRMAN PALLADINO: Which one are you going to go  
11 after?

12 MR. DENTON: That is where we will have to seek  
13 expert advice on whether the factors associated with restart  
14 can be somehow determined from the existing survey.

15 CHAIRMAN PALLADINO: How far does one go? Do you  
16 go all the way to Harrisburg? Do you go to all the way to  
17 Lewistown?

18 MR. DENTON: I don't think we know that yet and our  
19 scheme would be to retain individuals such as that Human  
20 Factors Group that we had used before who are very knowledgeable  
21 in this area who were current on all the studies that had been  
22 done and ask them for advice about how to address this issue  
23 and meet the licensee and see what information he has and over  
24 the next couple of weeks try to decide those issues as to  
25 whether the surveys that had been done were adequate on which

47  
1 professionals in the field could draw conclusions or whether  
2 they had to be supplemented by additional surveys.

3 COMMISSIONER AHEARNE: That sounds a lot like a  
4 scoping process. Do you intend to involve the public interest  
5 groups of the local community in that at all?

6 MR. DENTON: That is one difference. In normal  
7 practice between an assessment and a statement, in preparing  
8 statements we do normally have scoping meetings in the  
9 area of the plant in order to determine what their interests  
10 are. I envision that we would begin the process in a manner  
11 such that the results could be used for either an assessment  
12 or a statement so we don't start the process and find that  
13 we need to change from an assessment or a statement. So I  
14 envision the need for scoping meetings in the area.

15 COMMISSIONER AHEARNE: So at least you would see  
16 that being done?

17 MR. DENTON: Yes.

18 CHAIRMAN PALLADINO: Are any questions asked of  
19 individuals about their own psychological stress or are they  
20 asked opinions about their neighbors' psychological stress?  
21 In other words, if you ask me if there was psychological stress  
22 I would say, "I believe there was psychological stress," but  
23 if you ask, "Was I under psychological stress," you might get  
24 a different answer.

25 MR. DENTON: I don't know the answer to that question

CHAIRMAN PALLADINO: I don't expect you to know the answer to that question.

MR. DENTON: Most of the studies that have been done that I have looked at tend to look at are there clinical expressions of stress prevalent in that population. There has been a lot of work done in that area. Let me ask if Don Cleary could answer your question better than I. There have been innumerable studies done and I am sure that they take different styles.

This is Don Cleary, the section leader in our socioeconomic branch.

MR. CLEARY: One of the problems of handling psychological stress is trying to differentiate the stress that might be caused from TMI-1 restart and the other causes in the vicinity of TMI. We really have to be careful in how we proceed on this. I think there are sufficient studies to get a handle on whether there is a likelihood that stress might result from TMI-1 restart.

The problem is that we are not going to be able to really talk definitively about the magnitude of that stress and definitively about what parts of the population would experience it.

As a gross question I think the existing studies will allow us to draw some tentative conclusions. In terms of definitive conclusions we are still a long way from that.



1 In fact we are putting together a workshop of experts in  
2 psychological stress. Some of these people have experience  
3 in TMI. Others have experience in other types of  
4 psychological stress and the question that we are asking them  
5 is what is the state-of-the-art.

6 Is there a likelihood that we will be able to say  
7 anything definitive upon further study on TMI-1 restart? This  
8 workshop is going to take place in the first week of February  
9 and we are hoping for a report a couple of weeks later.

10 At that point we will have a judgment of a balanced  
11 group of national authorities and I would hesitate at this  
12 point to speculate where we are going to end up after our  
13 final environmental impact statement.

14 CHAIRMAN PALLADINO: To make an environmental  
15 assessment, how much manpower and how much contract work would  
16 you see needed or staff power?

17 MR. DENTON: Since we don't have professional  
18 psychologists or psychiatrists on staff all of that would be  
19 done through contracting. We do have sociologists who can  
20 look at regional impacts and impacts on housing markets and  
21 those kinds of things. So we would see putting together a team  
22 of people inside and I don't know how big that would be yet  
23 until the scoping studies are completed, but we would have to  
24 oversee the contract.

25 I see the bulk of the work in terms of the impact on

1 the well-being of individuals that we will have to rely  
2 largely on outside experts.

3 CHAIRMAN PALLADINO: Is the estimate in here?

4 MR. DENTON: It is \$120,000.

5 COMMISSIONER ROBERTS: What does that represent?

6 MR. DENTON: There is one group that we have retained  
7 in the past called Human Design Group who are associated with  
8 universities whose full time profession is working with the  
9 people and understanding stresses and we would get their  
10 interpretation of all the studies that had been done and their  
11 opinion regarding what restart would likely do to an individual  
12 as directed by the court. We would pay for expert advice.

13 COMMISSIONER BRADFORD: "Somehow this has branched  
14 off in a direction other than what I had hoped for in  
15 endorsing the raising of these contentions in the first place.  
16 That is, at one time we had a specific group in the reopening  
17 proceeding that was prepared to lay certain specified conten-  
18 tions before the Board and they would have presented particular  
19 problems to which we might or might not have found acceptable  
20 solutions.

21 I suppose the same kind of thing may come out of this  
22 but I have the sense that it is going to be a terribly diffuse  
23 process in which you will get an awful lot of generality and no  
24 much by way of concrete action that can be taken at the end.

25 Let me direct a more specific question. Is there a



1 way to factor the kinds of contentions that people who have  
2 after all taken us to court in the first place over this  
3 would have raised into this study overview process. Perhaps  
4 this is what John was after when he asked about scoping as  
5 well.

6 COMMISSIONER AHEARNE: Yes, it was.

7 MR. DENTON: When this issue was broached at the  
8 venting stage and it wasn't quite in the same legal context,  
9 there were amelioration aspects that we were able to  
10 accomplish such as getting neighborhoods and individual  
11 neighborhoods to monitor doses, bringing in EPA, sorts of  
12 things to ameliorate the stress level.

13 COMMISSIONER BRADFORD: That is obviously the  
14 area of interest.

15 MR. DENTON: There were additional things that the  
16 Commission might cause to happen. Here it is going back  
17 trying to assess in advance of a restart what the effects  
18 are going to be. If you just follow the literal wording,  
19 what is the impact on individual's well-being likely to be  
20 as a result of the restart.

21 CHAIRMAN PALLADINO: I presume when you ask the  
22 stress questions, do you ask questions of stress on the part  
23 of those people that think they need more power and some of  
24 them are threatening to move out of the area unless they can  
25 get lower cost power. They are certainly under a different

1 kind of stress, but is that going to be considered or is  
2 that considered part of stress or not?

3 MR. DENTON: We are now outside the field that I  
4 am confident in.

5 COMMISSIONER AHEARNE: Just wait, Harold. You  
6 will become an expert.

7 CHAIRMAN PALLADINO: A new area for development.  
8 I don't know what stress really means or what this stress  
9 means and I know there is some distress on the part of  
10 manufacturing companies in the area who feel that their  
11 power needs are not being met and they are paying too much  
12 and they are talking about going other places.

13 MR. DENTON: The types and level of stresses are  
14 changing. Weekly meetings of neighborhoods are still being  
15 conducted and more and more people are beginning to raise  
16 issues about the restart and are concerned about that and less  
17 and less about health effects of the accident, for example.  
18 So the nature of stress changes in the area with time and new  
19 issues come up.

20 I would imagine that surveys of stress or whether  
21 or not there are any clinical symptoms resulting would vary  
22 depending on what activity is going on.

23 CHAIRMAN PALLADINO: Harold, if we voted today to  
24 say, yes, we think we ought to get started on an environmental  
25 assessment, you would be prepared to lay out a program?

1 MR. DENTON: Yes, and I think it would take us a  
2 couple of weeks interaction with such outside groups and  
3 it would help to have the order to know exactly what it is  
4 that has to be focused on to lay out a program.

5 CHAIRMAN PALLADINO: The court opinion.

6 MR. DENTON: Yes, the court opinion, so that we  
7 know that we are focusing on the aspects they are interested  
8 in. From our discussions with OGC, it is not clear whether  
9 they focused on contention one or contention two or both.

10 We would meet with people that we have retained  
11 earlier. We would meet with the licensee and move as fast  
12 as we were able and the key issue is could we largely rely  
13 on previous studies and draw inferences from them to answer  
14 this question or would some sort of use surveys or studies  
15 in the neighborhood be required.

16 The kind of time schedule we see is in the paper,  
17 that by June or so, we should have a fairly good handle  
18 on what such stresses are and decide at that time whether  
19 an assessment is appropriate or a statement and if a statement  
20 is appropriate then it has to be circulated for comments.

21 The real difference between an assessment and a  
22 statement is that the assessment does not attempt to rebalance  
23 the entire project.

24 CHAIRMAN PALLADINO: Commissioner Roberts.

25 COMMISSIONER ROBERTS: If we were to decide today

1 to direct the staff to commence this, does that have any  
2 bearing or influence on our litigation strategy?

3 MR. BICKWIT: I would say not.

4 CHAIRMAN PALLADINO: All right.

5 COMMISSIONER BRADFORD: The decision not to do a  
6 statement would rest on discovering through the assessment  
7 route that stress was not sufficiently significant to be worth  
8 pursuing further? What is the standard that you use in  
9 deciding whether to go from an assessment to a statement?

10 MR. DENTON: No significant impact. I would propose  
11 not to try to decide whether an assessment or a statement is  
12 correct until we have this information in.

13 COMMISSIONER BRADFORD: The reason I asked is  
14 that if you can start out in a way that preserves the ability  
15 to go either way for a while, I think it is well to do so.

16 Even the dissenting Judge seemed to say that if,  
17 in fact, this area were opened up there was no real likelihood  
18 that a finding of no significant impact could be made.

19 He seemed to be saying once you start down this road  
20 you are going to have to do a statement. It may well be that  
21 the fastest route from your point of view is going to be one  
22 that contemplates a statement from the outset and is prepared  
23 to do a statement from the outset.

24 MR. DENTON: That is the route that we would begin  
25 on, the essential difference being a scoping meeting required

1 by the guidelines for statements that would not be  
2 necessarily required under a pure assessment.

3 I would reserve our options until we have the  
4 initial results before us.

5 COMMISSIONER BRADFORD: Preserve the options by  
6 having the scoping meeting?

7 MR. DENTON: Yes, have the scoping meeting, begin  
8 the review so that we could write either a draft statement  
9 or an assessment depending on the magnitude of the impact  
10 study.

11 CHAIRMAN PALLADINO: I am going to propose for  
12 Commission vote that we direct the staff to start on an  
13 environmental assessment on psychological stress and not  
14 close their options but have them report somewhere along  
15 the line to the Commission, and the staff would be authorized  
16 to enter into such contracts as necessary.

17 After you have done your scope and after you receive  
18 the opinions and you know where you want to go, I think a  
19 report back to the Commission would be appropriate.

20 MR. DENTON: I would propose to handle this somewhat  
21 differently than we did during the venting issue where we  
22 were concerned with the speed of the clean-up. Here I think  
23 it ought to be the licensee's obligation in the first instance  
24 to provide the bulk of the analysis of what the impacts  
25 of restart would be and include him in the process so that he

1 develops whatever information is available and our role is in  
2 the traditional role of reviewing and auditing and  
3 independently verifying it rather than our attempting to  
4 take this task on as a NRC only assignment as we did some  
5 previous ones.

6 CHAIRMAN PALLADINO: This would be part of your  
7 scoping process?

8 MR. DENTON: Yes.

9 CHAIRMAN PALLADINO: And when you came back with  
10 your overall plan, you would define that portion of it?

11 MR. DENTON: That is correct.

12 COMMISSIONER BRADFORD: That is the \$120,000  
13 contemplates the licensee doing the bulk of the spade work?

14 MR. DENTON: That is correct with our doing as much  
15 as we deem necessary to either analyze existing information  
16 or conduct surveys and then we have people who are able to  
17 oversee that and critique it as it is done.

18 CHAIRMAN PALLADINO: I would propose that we  
19 authorize or direct the staff to proceed on the preparation  
20 of an environmental impact assessment, that as part of that  
21 activity they do their scoping work and see what is required  
22 from the court opinions and then advise the Commission of its  
23 plans when they are developed.

24 COMMISSIONER BRADFORD: I take it that you are  
25 basically intending to accept Harold's proposal that they go



1 forward in a way that keeps the statement possibility alive

2 CHAIRMAN PALLADINO: Yes. At the moment I don't  
3 know how they can define which way to go.

4 COMMISSIONER BRADFORD: Right.

5 CHAIRMAN PALLADINO: I thought the cour. required  
6 to make an assessment and only if we find that the assessment  
7 came out to show an impact did we have to go to the impact  
8 statement. Your point is to keep it flexible enough. In  
9 keeping it flexible enough I don't want to get to the point  
10 where we can't write the assessment because we are trying  
11 to be so flexible as to accommodate.

12 COMMISSIONER BRADFORD: I understand that. What I  
13 am trying to avoid is a situation in which we start out very  
14 narrow as though the assessment were going to be all that  
15 is contemplated and then discover in a couple of months that  
16 the whole effort has to be broadened and we have to go back  
17 and do work that could have been done.

18 CHAIRMAN PALLADINO: It is always possible.

19 COMMISSIONER BRADFORD: I think we are saying the  
20 same thing.

21 CHAIRMAN PALLADINO: I want to focus more narrowly.  
22 for the time being.

23 COMMISSIONER BRADFORD: But you are not saying that  
24 they shouldn't do the scoping meeting even though that  
25 would not technically fit within the normal approach to an

1 assessment. That is all I am trying to get at.

2 CHAIRMAN PALLADINO: I would expect them to do the  
3 scoping. I would expect them to examine the opinion and out  
4 of that process develop a plan that they would come back to  
5 the Commission and familiarize us with that plan.

6 COMMISSIONER ROBERTS: Can the \$120,000 contract  
7 be written in such a way that in the unlikely event  
8 psychological stress is no longer at issue, we can stop the  
9 project?

10 MR. DENTON: I am certain that we can write it so  
11 that the answer to that question is yes.

12 MR. BICKWIT: Peter would like to speak to your  
13 question.

14 MR. CRANE: As to the relation of doing this work  
15 to the litigation strategy, conceivably if the case comes  
16 before the Supreme Court sometime down the line and the  
17 question is how are we damaged by this decision, if we had  
18 already done everything that the court had demanded of us,  
19 we might have foreclosed our opportunity to object to it.

20 CHAIRMAN PALLADINO: On Three Mile Island.

21 MR. CRANE: But that depends on how narrowly the  
22 court limits it.

23 COMMISSIONER AHEARNE: I would agree with what you  
24 said, but I have two caveats. First, I would like the staff  
25 to come back within a fixed period of time.



1 CHAIRMAN PALLADINO: I mentally had in mind two  
2 weeks.

3 COMMISSIONER AHEARNE: I don't know whether they  
4 will be ready in two weeks.

5 MR. DENTON: I would recommend a month not knowing  
6 when we are getting the court opinion.

7 COMMISSIONER AHEARNE: How about two weeks after  
8 the opinion comes in?

9 CHAIRMAN PALLADINO: All right. You are suggesting  
10 that we have a time frame and that it be within two, three  
11 or four weeks after the opinion comes down.

12 COMMISSIONER AHEARNE: Fine. I would guess that if  
13 the opinion keeps being delayed, I would still like to hear  
14 from them in a month.

15 At the moment I don't think I am willing to endorse  
16 the idea that we are going to rely on Met Ed, put primary  
17 reliance on Met E.. We have been in that position in the  
18 past. This is going to be an area in which we are going into  
19 uncharted territory. No one has ever done this kind of a  
20 study before.

21 For us to then say, "All right, licensee, you do it  
22 and we will take your material," I think it is very likely to  
23 put us in the same situation we found ourselves in in a lot of  
24 the clean-up areas, that Met Ed was floundering. Here is a  
25 company that in many ways is on the ropes anyway and we are

1 asking them to march out and develop this material and this  
2 approach has never been done before and it is for our action.  
3 The court has charged us with it and as I think we have seen  
4 in many other places, we can get into a big philosophical  
5 discussion as to whether the licensee ought to do something  
6 or the regulatory agency ought to do something, but this  
7 TMI situation is unique. It is different. And we will  
8 rapidly, I am afraid, put ourselves in a position that we  
9 have been in so often now in the last two years. We will  
10 find that we will be held accountable for progress not being  
11 made.

12 So I am very uneasy about saying we will let Met Ed  
13 do most of it. We have been there before and I don't want  
14 to be there again.

15 MR. DENTON: That is why I wanted to raise that  
16 issue as to whether we accept the burden of doing it ourselves.  
17 With regard to restart, then we are doing it.

18 COMMISSIONER AHEARNE: Harold, I agree. There is  
19 some impacts, the economic impacts and stuff, that you can go  
20 to Met Ed, but I think the bulk of the work, as you know I  
21 strongly don't believe that we ought to be doing it, but if  
22 it is going to be done, I think the NRC ought to take the lead  
23 on it. Otherwise, we will be back where we were on so many  
24 other issues on this follow-up on the accident.

25 CHAIRMAN PALLADINO: In your scoping you can find

1 out what GPU has done and can do and perhaps would be well to  
2 do, but then in your planning weight given to that would be  
3 proportional to how good you think it might be. I am inclined  
4 to agree with John on that because they haven't always done  
5 as well as I would like to have seen them do.

6 Would you be willing to proceed this way with the  
7 understanding that you would give us a plan somewhere within  
8 two or three weeks after you get the opinion, but if no  
9 opinion comes within a month, you will give us a progress  
10 report?

11 Is this agreeable to all the Commissioners?

12 COMMISSIONER BRADFORD: Yes.

13 COMMISSIONER ROBERTS: Yes.

14 COMMISSIONER AHEARNE: Yes.

15 CHAIRMAN PALLADINO: Let's go on to the last item.  
16 I think we ought to spend a few minutes on this and that is  
17 going through legislative relief. You have proposed in here  
18 three options.

19 MR. BICKWIT: We proposed a various number of ways.  
20 My own feeling is that I think it would be useful to get some  
21 kind of temperature taking of the Commission at this point.  
22 We are not pushing for an ultimate solution to this right now  
23 and I guess I would recommend against focusing on the specific  
24 language here.

25 We would like to get some particular leaning of the



# Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

DISCUSSION OF TMI-1 RESTART PROCEEDING

(CLOSED MEETING - EXEMPTION 10)

WEDNESDAY, MARCH 10, 1982

Pages 1 - 61

Prepared by:  
Lynn Nations  
Office of the Secretary

1 bidding on the various schedules. What now does seem to be  
2 the earliest possible resolution of the steam generator  
3 problem?

4 MR. REMICK: The latest I have seen is six months  
5 to a year.

6 COMMISSIONER BRADFORD: From?

7 MR. REMICK: That was from about two or three  
8 weeks ago.

9 COMMISSIONER GILINSKY: Is this six months at all  
10 realistic?

11 I understood that they either had to replace  
12 thousands of tubes --

13 COMMISSIONER AHEARNE: Eight thousand, I think.

14 COMMISSIONER GILINSKY: Or replace generators all  
15 together.

16 MR. REMICK: I don't think the six months is  
17 reasonable, no, and the information we have is that they  
18 will probably plug and perhaps sleeve.

19 COMMISSIONER GILINSKY: You can't sleeve thousands  
20 of tubes.

21 COMMISSIONER AHEARNE: They did it in San Onofre.

22 COMMISSIONER GILINSKY: Thousands?

23 MR. REMICK: Yes, I think 7,000 or 8,000.

24 COMMISSIONER AHEARNE: A very large number. But  
25 they clearly cannot plug.

CHAIRMAN PALLADINO: I am trying to understand  
what you mean when you say, "You can't."

COMMISSIONER AHEARNE: Well, you can.

1 CHAIRMAN PALLADINO: But it is not a very wise  
2 thing to do.

3 COMMISSIONER AHEARNE: That's right.

4 COMMISSIONER GILINSKY: Let me ask you this. How  
5 long did it take to sleeve thousands of tubes in San Onofre?

6 CHAIRMAN PALLADINO: What is that?

7 MR. REMICK: The question is how long did it take  
8 to sleeve that number of tubes at San Onofre and I don't  
9 know. Does anybody else?

10 COMMISSIONER AHEARNE: B. D., do you know how long  
11 it took to sleeve San Onofre.

12 MR. LIAW: At San Onofre we ran into problems with  
13 the brazing joint and normally I would expect something like  
14 six months or so.

15 COMMISSIONER AHEARNE: But that is after they make  
16 the decision to go ahead and do it?

17 MR. LIAW: What do you mean by that?

18 COMMISSIONER AHEARNE: They haven't yet decided  
19 what to do?

20 MR. LIAW: That's true.

21 MR. ROTHSCHILD: I think in the GPU press release  
22 of a couple of weeks ago, I think they said that if they  
23 ended up sleeving it would be about a year was their  
24 estimate.

25 COMMISSIONER GILINSKY: What was that?

MR. ROTHSCHILD: I think their estimate was a year  
and I think their starting point was the end of February.  
So I think they are really talking about February of 1983 was

1 their rough estimate if that was the alternative they used.

2 COMMISSIONER GILINSKY: First of all, these  
3 estimates tend to be optimistic and one always runs into  
4 something new. I would be surprised if it was less than a  
5 year that they are estimating.

6 MR. REMICK: I personally would not be surprised  
7 either but I think they did indicate a range of six months  
8 to a year. How realistic it was, I don't know.

9 COMMISSIONER AHEARNE: Isn't that somewhat based  
10 upon their early analysis, that is, they haven't completed  
11 all of their analysis over what the problem is much less  
12 going through the economics and looked at the options.

13 MR. REMICK: That's correct.

14 COMMISSIONER BRADFORD: Have they discovered yet  
15 whether there are problems with other parts of the vessel  
16 internal? I gather that one of the questions raised by all  
17 this was whether other inconel instruments had also been  
18 damaged.

19 MR. REMICK: I don't think we have any information  
20 on that yet.

21 CHAIRMAN PALLADINO: Also, have they cleaned up  
22 the system enough so that if they do sleeve, they are not  
23 going to have the problem reoccur?

24 COMMISSIONER GILINSKY: Do they know what the  
25 problem was?

26 CHAIRMAN PALLADINO: That is the point.

27 MR. REMICK: We have not dug into the steam  
28 generator problem other than to try to keep informed from



NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

CLOSED MEETING - EXEMPTION NO. 10

DISCUSSION OF CONTESTED ISSUES  
IN TMI-1 RESTART PROCEEDING

DATE: September 10, 1982 PAGES: 17 43

AT: Washington, D. C.

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1 We have discussed this and I think one potential  
2 explanation is the difference in the significance of NRC  
3 examinations and company quizzes, the major point being  
4 that in the case of these company quizzes there is  
5 evidence on the record to indicate that it was not made  
6 clear to operators in which circumstances quizzes were to  
7 be an examination from the standpoint that you work  
8 alone and that cheating is an unacceptable behavior  
9 versus the NRC examination which was very clear that  
10 that is supposed to be an individual effort.

11 So the only case you could make there or that  
12 I could make there is that there are mitigating  
13 circumstances in the case of the company quiz versus the  
14 NRC examinations.

15 COMMISSIONER AHEARNE: All right, back to the  
16 status question.

17 MR. RATHBUN: The SECY-250 which the staff  
18 sent down to the Commission last June had indicated that  
19 the plant would be ready for criticality in December of  
20 1982. The staff now believes that the plant would be  
21 ready for criticality in February of '83 instead of  
22 December of '82.

23 COMMISSIONER AHEARNE: Has the staff approved  
24 the explosive mechanism of fixing the tubes?

25 MR. RATHBUN: I don't know.

1 MR. MILHOAN: I don't know.

2 COMMISSIONER GILINSKY: Is that underway?

3 MR. RATHBUN: Jim, do you know?

4 MR. MILHOAN: I don't know the status.

5 COMMISSIONER AHEARNE: You see, I am assuming  
6 it isn't underway because I am assuming that there would  
7 have been a press release that it had begun, but I  
8 haven't even seen anything that the staff had approved  
9 the approach.

10 MR. RATHBUN: I can say this. The staff, as I  
11 understand it, is preparing a follow up to its  
12 SECY-82-250 which should be coming soon, and I would  
13 imagine that will have updating information on the  
14 status.

15 COMMISSIONER AHEARNE: There is nothing to  
16 prevent though you guys from finding out what the status  
17 is, is there?

18 MR. RATHBUN: That is where we got the  
19 information this morning, yes, sir.

20 COMMISSIONER AHEARNE: For example, you can  
21 find out have they approved the explosive approach and  
22 what is the status of that.

23 MR. RATHBUN: (Nodding affirmatively.)

24 COMMISSIONER AHEARNE: Is that the staff or  
25 licensee estimate for February?

1 MR. RATHBUN: That came from the NRC Project  
2 Manager.

3 COMMISSIONER AHEARNE: Vic?

4 COMMISSIONER GILINSKY: No.

5 COMMISSIONER AHEARNE: Tom?

6 COMMISSIONER ROBERTS: No.

7 COMMISSIONER AHEARNE: Jim?

8 COMMISSIONER ASSELSTINE: I have one  
9 question. You say that you are in agreement with the  
10 Board's conclusion that there is no safety consequence  
11 from the cheating episode. One of the Pennsylvania  
12 arguments, as I understand it from your summary, is that  
13 if you have people who in the past have cheated on  
14 quizzes or the exams, that those people may not be  
15 reliable suppliers of information, particularly in an  
16 emergency. If they are willing to cheat, then they may  
17 be willing to withhold information or not to provide  
18 accurate information. Do you give any weight at all to  
19 that argument and, if so, how do you square that with  
20 your agreement with the Board conclusion?

21 MR. MONTGOMERY: I think we gave some weight  
22 to the argument, but not enough to come down to what I  
23 think is the only conclusion you would reach after you  
24 accept that argument and that is that those operators  
25 would have to be removed forever.

1 time to time but not in this context.

2 COMMISSIONER GILINSKY: Somehow we don't seem to be  
3 focusing on the most important problem.

4 MR. REMICK: That might be correct but we are  
5 reviewing the record.

6 CHAIRMAN PALLADINO: You are right but I don't  
7 think it is our intention not to focus on it.

8 MR. REMICK: As I was indicating, we recommend  
9 that the Commission await the Board's partial initial decision  
10 on cheating before making the Board's decision effective.

11 On February 8th of this year the licensee filed  
12 with the Appeal Board an exception to the Board's decision  
13 on vessel level instrumentation. It was one of three  
14 exceptions that was filed.

15 CHAIRMAN PALLADINO: Was this the licensee?

16 MR. REMICK: Yes.

17 COMMISSIONER BRADFORD: You used the phrase and  
18 Len did, too, the significance of which I should remember  
19 but I don't, "Lifting the immediate effectiveness of the  
20 suspension order." Are you talking about the order that the  
21 Commission put out three years ago?

22 MR. REMICK: August, 1979, yes.

23 COMMISSIONER BRADFORD: So when you talk about  
24 lifting its immediate effectiveness you actually mean what,  
25 allowing restart?

CHAIRMAN PALLADINO: Lifting the suspension.

24 COMMISSIONER BRADFORD: Normally when we talk about  
25 lifting immediate effectiveness, we are talking about



ORIGINAL

# OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

CLOSED MEETING - EXEMPTION NO. 1D

DKT/CASE NO.

TITLE

DISCUSSION OF IMMEDIATE EFFECTIVENESS  
ISSUES IN TMI-1 RESTART PROCEEDING

PLACE

Washington, D. C.

DATE

December 15, 1982

PAGES

1 - 124

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1 That is all.

2 CHAIRMAN PALLADINO: Let me go to some other  
3 plant, one that makes an inspection and it has got  
4 leaks. Now how do we tell them that they are not  
5 supposed to start up until they plug their tubes and do  
6 whatever requirements need to be done?

7 MR. WALSCH: Well, in some cases it would be  
8 covered by tech spec requirements because they just  
9 wouldn't be able to restart until they had plugged the  
10 tubes because of tube plugging criteria in the tech  
11 specs. In other cases I suspect it is handled  
12 informally as here. They just simply have an  
13 understanding with the licensee that he won't restart  
14 without staff approval.

15 We are just raising the question here of  
16 whether because of the sensitivity of this case we might  
17 want something more formal, but it is really a policy  
18 decision.

19 CHAIRMAN PALLADINO: But if they did start up  
20 with a steam generator that we didn't feel was  
21 appropriate could we issue a shutdown order?

22 MR. WALSCH: Sure.

23 COMMISSIONER AHEARNE: Marty, where does OGC  
24 stand at the moment on whether this is going to require  
25 an amendment?



1           MR. MALSCH: The staff has what I think is a  
2 very firm position that it needs an operating license  
3 amendment.

4           COMMISSIONER AHEARNE: That it does need an  
5 amendment?

6           MR. MALSCH: That it does need an operating  
7 license amendment, but that is based upon their reading  
8 of a tech spec provision that says something to the  
9 effect that you must plug tubes if the tube wall  
10 thickness goes below a certain level.

11           With this repair program they are proposing to  
12 deal with tubes in a way other than by plugging. So  
13 technically they wouldn't be in compliance with the  
14 technical specification.

15           COMMISSIONER AHEARNE: Is the tube wall after  
16 the modification is made, does the steam tube wall then  
17 have the same definition as before?

18           MR. MALSCH: There is a controversy between  
19 the licensee and the staff as to how to read the tech  
20 spec requirement. We have asked for a copy of the tech  
21 specs and haven't gotten them yet. So I can't be sure.  
22 We can read the tech specs ourselves and reach a  
23 conclusion as to whether they are right or wrong.

24           The staff says that they are right and that  
25 the licensee's interpretation of the tech spec

1 requirement was not consistent with their intent when  
2 they wrote the tech specs, but I haven't seen the actual  
3 language myself.

4 COMMISSIONER ASSELSTINE: Does the staff have  
5 a position on whether an amendment, if it was required,  
6 would involve significant hazards considerations?

7 MR. MALSCH: They have suggested that it  
8 wouldn't, but have not reached any firm conclusion yet.  
9 That is the important question.

10 COMMISSIONER ASSELSTINE: I would assume you  
11 would have to have another prior hearing.

12 MR. MALSCH: That is right.

13 CHAIRMAN PALLADINO: Go back to try to think  
14 through what I think I understand in the basics, this is  
15 not one of the concerns that we had when we shut them  
16 down?

17 MR. MALSCH: No.

18 CHAIRMAN PALLADINO: So then say well suppose  
19 we had just found out about this and they were not shut  
20 down by an immediate effective order such as we are  
21 trying to lift, what would we have done with them?

22 MR. MALSCH: Well we would be really in the  
23 same situation. I mean let's suppose a plant were now  
24 operating ---

25 CHAIRMAN PALLADINO: So this is not

1 necessarily part of the lifting of the immediately  
2 effectiveness?

3 MR. MALSCH: Oh, it is definitely not. It is  
4 one of the other items that needs to be resolved outside  
5 the scope of this proceeding.

6 COMMISSIONER AHEARNE: But it clearly has to  
7 be done prior to the plant being able to restart, and  
8 since we do have the court having spoken to us, to let  
9 them know 30 days before we are going to authorize or  
10 before the plant can restart. There is some importance  
11 to at least having ourselves know clearly what the steps  
12 are and it would be useful I think if we were able to  
13 say that clearly whether it is an order or not. We  
14 ought to be able to describe what steps we see.

15 CHAIRMAN PALLADINO: What do you mean?

16 COMMISSIONER AHEARNE: For example, in this we  
17 ought to be saying here are the actions that must be  
18 taken before TMI-1 can start, and one of those is the  
19 steam generators have to be fixed, and then what is the  
20 role of the Commission at that stage? If it is the  
21 staff we are satisfied with, we ought to say the NRC  
22 staff has reached an informal agreement with the  
23 licensee that the plant will not start before the NRC  
24 staff has agreed or the Director of NRB has agreed that  
25 the actions are complete and there is no problem with

1 the protection of the public health and safety, or  
2 something like that.

3 CHAIRMAN PALLADINO: That would not bother me.

4 MR. ZERBE: What is said in here now under the  
5 item of decision starting on page 15, covering it on  
6 page 17 when we say that you are going to lift the  
7 order, you say "This decision has not, however,  
8 authorized TMI-1 to restart. This is page 17. "The  
9 steam generator tube problems must be resolved prior to  
10 restart and the staff must make all necessary  
11 certifications. So that is what is said about it.

12 COMMISSIONER AHEARNE: Well it then goes on  
13 "The Commission will fully consider these matters before  
14 authorizing any restart." I think the implication from  
15 that is the staff is going to certify to the Commission  
16 satisfactory resolution of the steam generators and the  
17 Commission will then make a decision on that.

18 CHAIRMAN PALLADINO: Do we get any decisions  
19 on the steam generator startup?

20 COMMISSIONER GILINSKY: No.

21 COMMISSIONER AHEARNE: No, but I don't think  
22 you can really use precedent in this case.

23 (Laughter.)

24 CHAIRMAN PALLADINO: Well, we will create  
25 precedent.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of:

Docket No.

DISCUSSION OF STEPS TO DECISION IN TMI-1  
RESTART PROCEEDING

CLOSED PORTION EXEMPTION-10

Location Washington, D.C.

Pages 1-42

Date April 15, 1983

TAYLOR ASSOCIATES

Court Reporters

1625 I Street, N.W. Suite 1004

Washington, D.C. 20006

## P R O C E E D I N G S

CHAIRMAN PALLADINO: We will continue with the closed portion of the meeting and Mr. Herzel Plaine will continue with his presentation.

MR. PLAINE: In this closed session, members of the Commission, we will have OI give a discussion of the progress in the matters that it is dealing with. When that is over with, we will have to excuse OI so that we can go into a further closed session and ---

COMMISSIONER GILINSKY: You mean inner inner.

(Laughter.)

MR. PLAINE: --- so that we can continue, Mr. Hayes, with the TMI restart discussion. So if you won't mind going ahead with whatever you have or any of your colleagues have.

CHAIRMAN PALLADINO: I gather you are going to cover not only the status of your ongoing investigation, but the existence of pending nature of any other investigations.

MR. HAYES: Yes. Presently we have three investigative matters that are a part of the TMI et al, if you will.

The first, of course, is the Parks Gischel matter which we are presently pursuing. The OI staff members have been at TMI since Tuesday of this week.



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF STEPS TO DECISION IN TMI-1  
RESTART PROCEEDING

CLOSED PORTION -- EXEMPTION 10

Nuclear Regulatory Commission  
Room 1130  
1717 H Street, N. W.  
Washington, D. C.

Friday, April 15, 1983

The Commission convened in closed session at  
2:45 p.m.

COMMISSIONERS PRESENT:

NUNZIO PALLADINO, Chairman of the Commission  
VICTOR GILINSKY, Commissioner  
JOHN AHEARNE, Commissioner  
THOMAS ROBERTS, Commissioner  
JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

S. CHILK  
H. PLAINE  
B. HAYES  
R. LEVI  
J. MONTGOMERY  
M. MALSCH  
A. KENNEKE

AUDIENCE SPEAKERS:

J. CUMMINGS

\* \* \*

## P R O C E E D I N G S

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The first, of course, is the Parks Gischel matter which we are presently pursuing. The OI staff members have been at TMI since Tuesday of this week.

1 I presented to the Commission a work plan asking  
2 for 45 days to complete that work plan. We are in hopes of  
3 resolving the first three items on that work plan dealing  
4 with the technical area procedures and what-have-you as  
5 quickly as possible.

6 Right now with only 72 hours into the  
7 investigation I cannot really give you a firm commitment at  
8 this point.

9 CHAIRMAN PALLADINO: Both of these, you say Parks  
10 Gischel, both of them relate to Unit 2 specifically?

11 MR. HAYES: Yes, we are looking at both of those  
12 affidavits as one investigation.

13 COMMISSIONER GILINSKY: Who is Gischel?

14 COMMISSIONER AHEARNE: They relate to Unit 2, but  
15 the questions of the management flow over to Unit 1.

16 MR. HAYES: That is correct.

17 CHAIRMAN PALLADINO: Possibly. -----

18 COMMISSIONER AHEARNE: The allegations, because  
19 the allegations certainly. Now whether they actually do is  
20 something that Ben will have to find out.

21 COMMISSIONER ASSELSTINE: That is right.

22 CHAIRMAN PALLADINO: I don't recall Unit 1,  
23 except from the general top management level.

24 MR. HAYES: That is correct, the top.

25 The other investigative matter, which is quickly

1 drawing to a conclusion, is our investigation concerning an  
2 allegation made by Mr. Boring. That happened last year  
3 sometime. We are right now reviewing the investigative  
4 product. Bill Ward is reviewing that and we hope to  
5 conclude that investigation within the next two or three  
6 weeks.

7 Our observation is at this time that the  
8 allegations are not founded, and in my view probably will  
9 not have any impact on TMI.

10 CHAIRMAN PALLADINO: Now the Boring, is that the  
11 welder qualification?

12 MR. HAYES: Yes.

13 COMMISSIONER GILINSKY: Is this the one that has  
14 something to do with Senator Hatch?

15 MR. HAYES: Yes. Senator Hatch wrote a letter to  
16 the Chairman and asked that an investigation be instituted.

17 The third investigation we completed. It dealt  
18 with the psychological cheating tests. Quinn, if you  
19 remember. We issued an investigative report I believe it  
20 was last month sometime.

21 Mr. Cummings has given me comments on that  
22 product and I have directed my staff to review his  
23 comments to prepare documentation to me to determine  
24 whether in our view his comments are appropriate and  
25 correct and it may require us to reopen, if we feel that

5  
1 Mr. Cummings' comments are valid, reopen and do additional  
2 inquiries in the psychological testing area.

3 I hope to have within the next five to seven  
4 work days that staff work done. At that time, I will sit  
5 down ---

6 CHAIRMAN PALLADINO: When you say you will have  
7 the staff work done, you mean the reopened investigation or  
8 whether or not to reopen it?

9 MR. HAYES: The decision or at least my  
10 recommendation as to what we should do from the standpoint  
11 of OI. At that point I intend to meet with Jim Cummings and  
12 discuss it. We have gotten together and we have hopes of  
13 resolving it among ourselves.

14 COMMISSIONER GILINSKY: Let's see, with all due  
15 respect to him, why is he involved?

16 MR. HAYES: He has oversight responsibility or  
17 did have oversight responsibility.

18 COMMISSIONER AHEARNE: When we set up OI one of  
19 the things that we did at the same time was to task OIA to  
20 review their operation on a semi-annual basis.

21 CHAIRMAN PALLADINO: We gave them two charges.  
22 One, we said would they until the end of fiscal '82 look at  
23 each investigation. Since there were none before the end of  
24 fiscal '82, we felt that they ought to wait until they get  
25 a few under their belt and they have been giving comments

1 on that.

2 The second thing we said was I believe it was  
3 every six months they were to make an audit of their  
4 operation, and I don't know whether we had a time frame on  
5 that or not.

6 COMMISSIONER GILINSKY: This is basically their  
7 auditing role?

8 COMMISSIONER AHEARNE: Yes, right.

9 CHAIRMAN PALLADINO: They have also been looking  
10 at these specific cases in the spirit of our request that  
11 they look at the first six months of the investigations.

12 MR. HAYES: So every product that we have  
13 generated up until a few weeks ago has gone to Mr.  
14 Cummings' shop for his review.

15 That, gentlemen, concludes the three  
16 investigative matters that we are currently looking at.

17 CHAIRMAN PALLADINO: Now on the Parks'-----  
18 investigation, as I recall, there were three parts to it at  
19 least, and I would be inclined to call it four parts.

20 One involved technical issues. One involved  
21 harassment and intimidation, as I recall. One of them  
22 involved possible collusion by the NRC and then there was  
23 one that was inferred, but I think should be identified,  
24 the mystery man issue.

25 I wasn't sure what you said about each one of

Attachment 2

Rel.



The Philadelphia Inquirer

400 N. Broad Street Box 8263 Philadelphia, Pa. 19101

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Freedom of Information  
Request

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-83-320

June 8, 1983

Rec'd 6-12-83

Dear Sirs:

This request is made under the federal Freedom of Information Act, 5 U.S.C. 552.

Please send me copies of the transcripts of all Nuclear Regulatory Commission meetings held between Aug. 27, 1981 and May 10, 1983 that were closed to the media and the public and at which commission members discussed the restart of Unit 1 of the Three Mile Island nuclear power plant near Middletown, Pa. From a declaration of Nunzio J. Palladino, NRC chairman, dated May 18, 1983 I understand that the commission met 13 times in closed session to discuss this issue.

As you know, the FOI Act provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. I reserve the right to appeal your decision to withhold any materials.

I would be happy to come to Washington to review the transcripts of these meetings. As I am making this request in the capacity of a journalist and this information is of timely value, I will appreciate your communicating with me by telephone, rather than mail, if you have any questions regarding this request. My telephone number is 215-854-6882.

Thank you for your assistance, and I will look forward to receiving your reply within 10 business days, as required by law.

Very truly yours,

*Jim Detjen*

Jim Detjen