

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

METROPOLITAN EDISON COMPANY,	)	
	)	Docket No. 50-289
(Three Mile Island Nuclear	)	(Restart)
Station, Unit No. 1)	)	

STIPULATION OF WITHDRAWAL

This Stipulation is entered into this 17 th day of January, 1983, by and between GPU Nuclear Corporation ("GPUNC") and the Commonwealth of Pennsylvania ("Commonwealth").

WHEREAS, the Atomic Safety and Licensing Board issued an opinion in Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), ALAB-698, (October 12, 1982), ruling that permanent record dosimeters (TLDs) were not required to be available for distribution to all offsite emergency workers responding to an emergency at the Three Mile Island Nuclear Station ("TMI") prior to the restart of TMI Unit 1; and,

WHEREAS, the Appeal Board nevertheless stated in ALAB-698 that permanent record dosimeters "represent a useful added measure of protection for emergency workers" and "clearly would facilitate more accurate permanent recordkeeping, as well as diagnosis in special cases," and urged "all affected interests to work together to make reasonable provision for distribution of TLDs for offsite emergency workers in the event of an emergency"; and,

WHEREAS, the Commonwealth timely filed with the Nuclear Regulatory Commission a "Petition for Partial Review of ALAB-698", challenging

ALAB-698 with respect to the need for adequate dosimetry for offsite emergency workers responding to an emergency at TMI; and,

WHEREAS, in the interest of reaching an amicable resolution of this dispute acceptable to both parties, consistent with the policy of the Nuclear Regulatory Commission favoring settlement, and in accordance with the spirit of the Appeal Board opinion in ALAB-698, Licensee and the Commonwealth have negotiated a settlement of this dispute, the terms of which are set forth in this Stipulation of Withdrawal.

NOW, THEREFORE, GPUNC and the Commonwealth, each intending to be legally bound hereby, agree and stipulate as follows:

1. GPUNC Licensee shall fund the procurement of 6,500 thermoluminescent ("TLD") dosimeters, on an annual lease basis, for the entire operating life of TMI, for use by offsite emergency workers responding to a radiological incident at TMI. The model and manufacturer of the TLDs shall be specified by the Commonwealth. The procurement agreement shall include maintenance and reading of all TLDs, whenever necessary, by the vendor. The TLDs to be so purchased by the Commonwealth and the services to be provided by the vendor to the Commonwealth shall be comparable to those currently available for \$4.00 per TLD. For purposes of this paragraph, the "operating life of TMI" shall terminate 180 days after the last fuel assembly is removed from the reactor vessels at TMI.

2. The Commonwealth and/or county emergency management agencies shall be responsible for control, inventory (including any losses therefrom) and distribution of TLDs for offsite emergency workers, in accordance with the procedures established in the Commonwealth of Pennsylvania's Disaster Operations Plan, Annex E, Nuclear Facility Incidents; provided, however, that in the event that TLDs are read by

the vendor as a result of an accident at TMI, and if any or all of these TLDs are destroyed in the reading process, such supplies shall be replaced by the Licensee.

3. GPUNC shall pay for the first annual supply of 6,500 TLDs and associated services within thirty (30) days after they are ordered by the Commonwealth. In succeeding years GPUNC shall pay for the TLDs and associated services within thirty days after receiving an invoice from the Commonwealth indicating that the TLDs have been reordered and describing the TLDs and associated services being reordered. In the event that the Commonwealth provides TLDs for any other nuclear power plant in the Commonwealth for any fiscal year, using funds obtained from any source other than direct payments from the reactor owner or operator similar to those provided for in this Stipulation, the obligations of this paragraph shall be waived for that fiscal year.

4. GPUNC shall provide the Commonwealth with adequate funds to purchase 1,250 CD V-730 dosimeters (self-reading 0-20R), or an equivalent, commercially available dosimeter, for use by emergency workers in the plume exposure pathway emergency planning zone for TMI. For purposes of this paragraph, "adequate funds" shall constitute the lesser of \$93,750 (1,250 dosimeters at \$75.00 each), or the actual cost to the Commonwealth to purchase 1,250 CD V-730 or equivalent dosimeters. Funding for procurement of self-reading dosimeters shall be on a one-time basis. Transfer of such funds shall be accomplished within 30 days after the Commonwealth orders 1,250 CD V-730 or equivalent dosimeters.

5. The Commonwealth and/or county emergency management agencies shall be responsible for the control, inventory, distribution, repair, maintenance, and replacement of such dosimeters, as necessary, in

accordance with procedures established in the Commonwealth of Pennsylvania's Disaster Operations Plan, Annex E, Fixed Nuclear Facility Incidents.

6. In accordance with procedures established in the Commonwealth of Pennsylvania Disaster Operations Plan, Annex E, Fixed Nuclear Facility Incidents, the Commonwealth shall assume responsibility for the conduct of the requisite training to ensure proper operation of dosimetry equipment (including both TLDs and self-reading dosimetry) by the personnel to whom it is issued. GPUNC will provide the Commonwealth with technical consulting and assistance, on an as-needed basis.

7. Adequate supplies of CD V-742 dosimeters (self-reading 0-200 R) are available for use by emergency workers responding to a radiological incident at TMI.

8. Without in any way otherwise limiting or restricting GPUNC's liability to the Commonwealth or third parties in the event of a radiological release from TMI, the Commonwealth agrees to indemnify and hold GPUNC harmless from and against any suit or claim arising from any alleged defect in the dosimetry to be provided hereunder or in the improper use of such dosimetry whether based on contract or tort (including negligence and strict or absolute liability), and regardless of the form in which any legal or equitable action may be brought.

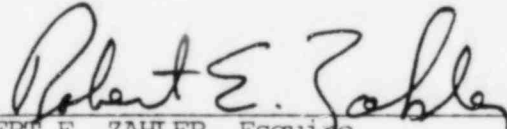
9. Concurrent with the filing of this Stipulation of Withdrawal with the Nuclear Regulatory Commission, the Commonwealth shall withdraw its pending Petition for Partial Review of ALAB-698.

10. The Commonwealth's withdrawal of its Petition for Review in this proceeding shall not be construed as a waiver by the Commonwealth of its right to take any action otherwise available at law or in equity to enforce the provisions of this Stipulation at any time in the future,

in accordance with the laws of the Commonwealth of Pennsylvania and the United States of America.

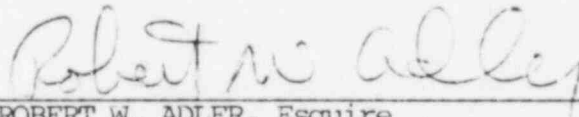
IN WITNESS WHEREOF, the parties have executed this Stipulation by their counsel of record in this proceeding this 17 th day of January, 1983.

FOR GPU NUCLEAR CORPORATION



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Shaw, Pittman, Potts & Trowbridge

FOR THE COMMONWEALTH OF PENNSYLVANIA



ROBERT W. ADLER, Esquire  
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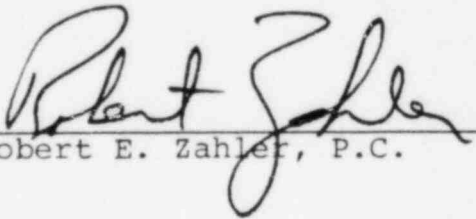
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Motion to Withdraw Petition for Partial Review of ALAB-698" and "Stipulation of Withdrawal" were served this 17th day of January, 1983, by hand delivery to the parties identified with an asterisk and by deposit in the U.S. mail, first-class, postage prepaid, to the other parties on the attached Service List.

  
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Robert E. Zahler, P.C.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
& SERVICE  
Docket No. 50-289  
(Restart)

In the Matter of )  
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METROPOLITAN EDISON COMPANY )  
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(Three Mile Island Nuclear )  
Station, Unit No. 1) )

SERVICE LIST

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