



OFFICE OF THE SECRETARY

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

June 28, 1983

Action: Denton, NRR Cys: Dircks Roe Rehm Stello DeYounn Davis Minoque GCunningham TMurley, RI Eisenhut, NRR Russell, NRR

MEMORANDUM FOR: William J. Dircks, Executive Director for Operations

Herzel H. E. Plaine, General Counsel

John E. Zarbe, Director, OEE

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - DISCUSSION OF TMI-1 RESTART, 10:30 A.M., TUESDAY, JUNE 21, 1983, COMMISSIONERS' CONFERENCE ROOM, DC OFFICE (CLOSED-EX. 10)

This memorandum has been prepared to serve the dual function of providing guidance to the NRC staff per the staff's request and to notify the parties to the TMI-1 restart proceeding of the status of the Commission's pending immediate effectiveness decision on restart.*

The Commission at the June 21 meeting discussed the overall status of the TMI-1 restart proceeding and reviewed issues which may require further clarification or action before a decision on restart. In light of staff's withdrawal of its overall endorsement of management and the possibility that ongoing staff reviews and OI investigations may develop significant information bearing on management, the Commission concluded that it is unable to decide the management issues for restart purposes at this time. Given the Commission's present understanding of the schedules for these staff reviews and OI investigations, no such decision appears possible before September 1983. However, the Commission will continue to revise its decision-making schedule as information from the ongoing reviews and investigations becomes available and can be assessed.

The Commission continues to place a high priority on completing its TMI-1 immediate effectiveness restart review as early as practicable and in a manner which includes a complete and careful review of the important management issues.

* In the context of this memorandum the immediate effectiveness decision on "restart" refers to the Commission decision whether TMI-1 may operate pending completion of the full merits decision in the TMI-1 restart adjudicatory proceeding. Nothing in this memorandum is intended to affect the merits of the adjudicatory proceeding.

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The Commission requested that the transcript and handouts from the open session be served on the parties to the TMI-1 restart proceeding. Any party may submit comments on this memorandum or the documents related to it within twenty days from the date of this memorandum. (SECY) (SECY SUSPENSE: 6/30/83)

GPU v. B&W Record Review

- a. The Commission, by a vote of 3-2 (Commissioners Gilinsky and Asselstine dissenting) decided that it was not bound to wait for completion of a further review of the GPU v. B&W trial record prior to an immediate effectiveness decision on TMI-1 restart.
- b. The Commission determined that although it was not bound to wait for a review of the GPU v. B&W trial record prior to a restart decision, the review was important and it directed the EDO to initiate the review by NRR as recommended in his memorandum to the Commission, subject: "Completion of TMI-1 Restart Review" dated June 10, 1983. The Commission provided the following additional guidance:
 - (1) The review should constitute a "reasonable effort." Citations to the record should be included where appropriate and judgement should be exercised to focus efforts on the most important issues.
 - (2) An additional review area pertaining to "management competence/integrity" should be added to the list of review areas identified on page 3 of the GPU v. B&W lawsuit review handout. ELD should be asked to assist NRR in this area.
 - (3) Any significant information identified during the review, particularly that pertinent to health and safety, should be reported to the Commission as soon as it is identified.
 - (4) The review should be completed in accordance with the schedule presented to the Commission in the meeting (including issuance of a final evaluation report by 9/1/83).
 - (5) Although the review is directed at determining whether any of the staff conclusions in the restart proceeding need to be amended in light of the information contained in the lawsuit

documents, litigation issues (the GPU v. NRC lawsuit) should not be ignored if identified. To assist in the identification of these, OGC will provide guidance and ELD should be asked to assist NRR in this endeavor.

(EDO/OGC) (SECY SUSPENSE: 9/1/83)

2. Partial Initial Decision

The Commissioners expressed views that a partial restart decision was not possible for at least a couple of months but that there appeared to be individual issues such as hardware, emergency planning, design basis and perhaps others (but not management competence and integrity issues) which could be resolved in the near future for restart purposes. OPE was directed to prepare a new schedule identifying target dates for resolution of those issues. (OPE) (SECY SUSPENSE: 7/8/83)

3. EDO Recommendation for Completion of TMI-1 Review

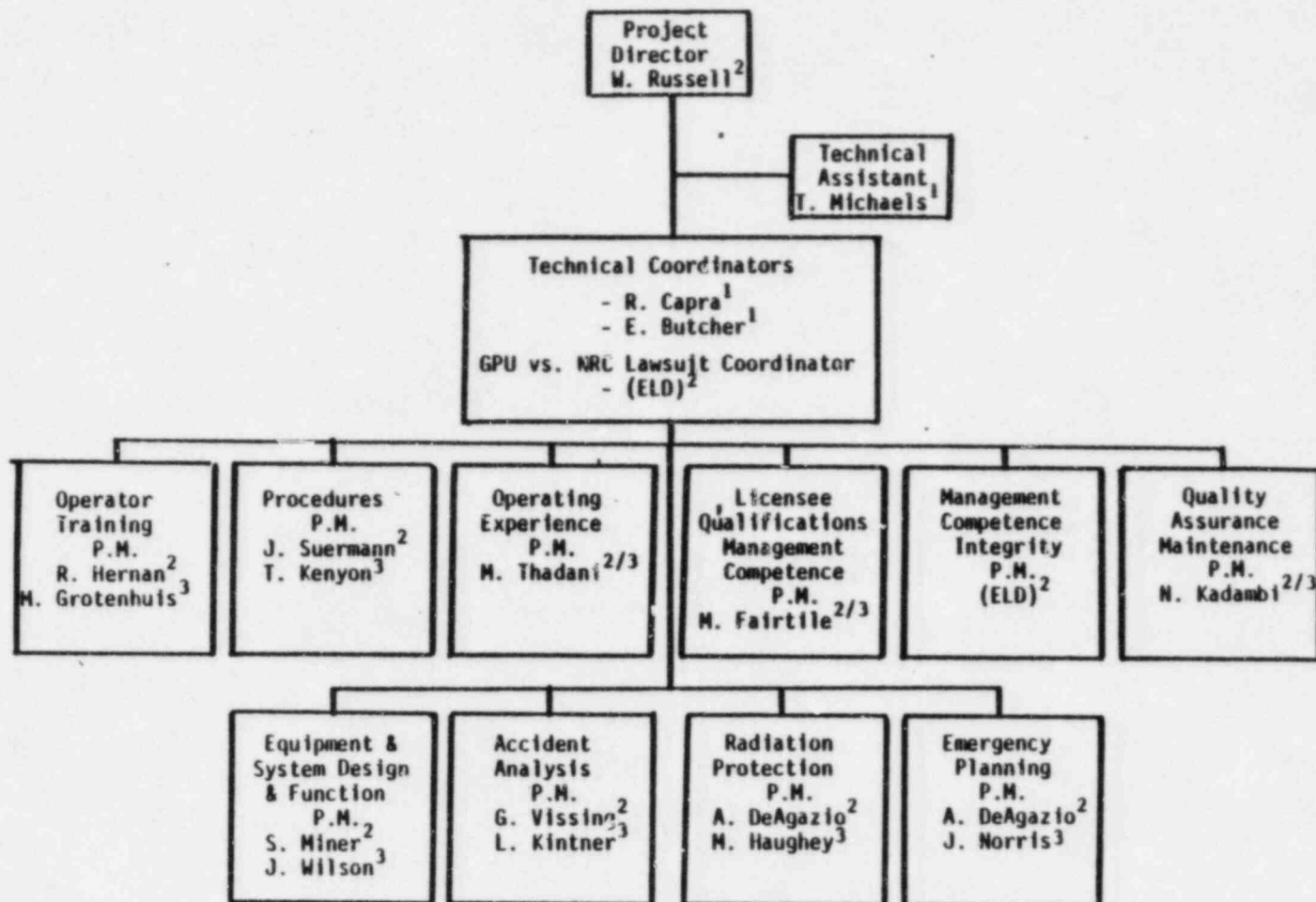
The Commission decided to await the completion of the relevant portions of the current investigations prior to resolving the management competence/integrity issues. The Commission did not approve the EDO recommendation to separate individuals from organizational structure for the purpose of deciding management competence and integrity issues for restart.

4. GPU Proposal

The Commission took no action on the GPU proposal contained in their June 10, 1983 letter and determined that staff should review the proposal to the extent that it affects the staff position on revalidation. The results of any staff review will be served on the parties. (EDO) (SECY SUSPENSE: 9/1/83)

cc: Chairman Palladino
 Commissioner Gilinsky
 Commissioner Ahearne
 Commissioner Roberts
 Commissioner Asselstine
 Commission Staff Offices
 PDR

TMI-1 GPU VS. B&W LAWSUIT REVIEW ORGANIZATION



¹Full-time until completion of SER (~09/01/83).

²50% from June 17, 1983 to completion of SER (~09/01/83).

³Full-time until completion of "binning" and "screening" review (expected to be completed by July 8, 1983).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

Docket No. 50-289
(Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MEMORANDUM ON THE STATUS OF ITS TMI-1 RESTART REVIEW" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 21st day of July, 1983:

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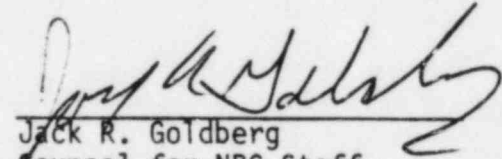
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