

August 4, 1983



SECY-83-318

ADJUDICATORY ISSUE ON LEVEL
DISTRIBUTION ONLY
(Affirmation)

For: The Commission

From: Martin G. Malsch, Deputy General Counsel
John E. Zerbe, Director, OPE

Subject: DRAFT ORDER -- ALAB-698 (TMI RESTART EMERGENCY PLANNING)

Discussion: In ALAB-698 the Appeal Board reversed a Licensing Board decision which required that at TMI-1 an Emergency Support Director, with full authority to make protective action recommendations (PARS), be available in the Emergency Operations Facility (EOF) within one hour after the declaration of a Site Area or General Emergency. The Appeal Board adopted the position advocated by the Licensee that the responsibility for making PARS could reside in the Emergency Director in the control room for a period not to exceed four hours after the declaration of a site emergency.

The NRC staff petitioned the Commission to review the Appeal Board's determination. On March 21, 1983 the Commission issued an Order taking review. The Commission requested and received briefs on the matter from the NRC staff, the Licensee, and the Commonwealth of Pennsylvania (Commonwealth). The Staff and Commonwealth advocated that the EOF be staffed so that PARS could be made from the EOF within

CONTACTS:
Trip Rothschild, OGC, 4-1465
Joan Aron, OPE, 4-3302
John Montgomery, OPE, 4-3295

54-289

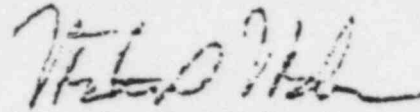
8402010494 831115
PDR FOIA
GRABER83-627 PDR

2

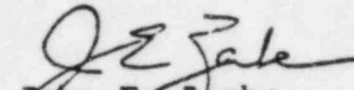
one hour after a declaration of a Site Area or General Emergency; the Licensee urged that it be authorized to make PARS from the control room for a period not to exceed four hours following an emergency declaration.

We have attached for your consideration a draft Order which articulates the parties' views and sets forth our suggested reasoning in greater detail. By issuing this Order, the Commission will have determined that subject to necessary

staff certifications, emergency planning at TMI-1 is adequate.



Martin G. Malsch
Deputy General Counsel



John E. Zerbe
Director, OPE

Attachment:
Draft Order

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Friday, August 19, 1983.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Friday, August 12, 1983, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of August 22, 1983. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION:
Commissioners
OGC
OPE
SECY