



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

July 10, 1984

DOCKETED  
USNRC

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The Honorable Richard Thornburgh  
Governor of the Commonwealth  
of Pennsylvania  
Harrisburg, PA 17120

DOCKET NUMBER  
PROD. & UTIL. FILE

50-289  
(Restart)

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Dear Governor Thornburgh:

This responds to your letter of June 14, 1984, in which you requested that the Commission postpone any decision on TMI-1 restart until adequate funding has been assured to complete the cleanup of Unit 2 and the NRC has provided adequate assurances that Unit 1 can be operated safely.

The major concern expressed in your letter is that because of the cleanup funding impasse the condition of TMI-2 could pose a threat to the safe operation of Unit 1. As you are aware, the Commission for some time has been concerned about the pace of the cleanup efforts and in many forums has advocated that cleanup be conducted on an expedited basis. We note that the recent Edison Electric Institute decision waiving the \$100 million requirement before utility contributions would begin should provide significant additional money for the cleanup.

With regard to whether Unit 1 can be safely operated in view of the condition of Unit 2, many of your concerns were addressed in the TMI-1 restart proceeding. In the Commission's Order of August 9, 1979, which established the scope of the restart proceeding, the Commission specifically asked the Atomic Safety and Licensing Board to address the question whether decontamination operations at TMI-2 would affect safe operation of TMI-1. Although the Commonwealth of Pennsylvania did not present any direct evidence in the hearing on this issue, it participated in cross-examination and filed proposed findings of fact and conclusions of law with the Licensing Board on the matter. The Commonwealth chose to limit its proposed findings to two specific concerns: (a) offsite disposal of low level radioactive waste, and (b) separating the fuel handling buildings.

After considering the evidence presented in the proceeding, the Licensing Board in its Partial Initial Decision of December 14, 1981 held that, subject to licensee's compliance with four conditions which it imposed, it was satisfied that Units 1 and 2 were sufficiently separated so that the cleanup of Unit 2 should not interfere with the safe operation of Unit 1. No party to that proceeding, including the Commonwealth, appealed those findings.

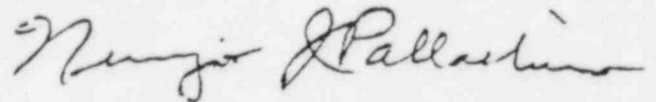
With respect to other safety issues, the Licensing Board and the Appeal Board have both issued comprehensive opinions on the many safety issues that have been raised in the restart proceeding. The Commission has taken review of several hardware issues addressed by the Appeal Board and expects to issue its opinion on those safety issues in the near future. The Commission

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is presently considering whether to review the Appeal Board's decision on the management issues, in which the Appeal Board reopened the record on three issues, and how further to proceed in that area. The Commission will not authorize restart of Unit 1 until it has reasonable assurance that the plant can be operated consistent with the public health and safety. When the Commission makes a decision it will fully explain how the safety issues have been resolved.

In your letter you also requested that if the Commission decides to make a TMI-1 restart decision at this time, you would like to appear personally before the Commission on behalf of the Commonwealth of Pennsylvania to discuss issues of concern to you. Prior to the time the Commission makes a restart decision, it will afford you the opportunity to make a presentation at a public meeting if you still desire a meeting. At the appropriate time, we will contact you and schedule such a meeting.

Sincerely,

A handwritten signature in cursive script, reading "Nunzio J. Palladino".

Nunzio J. Palladino