

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

DISCUSSION OF PENDING
INVESTIGATION - TMI

Docket No.

CLOSED MEETING

Location: Washington, D. C.

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Date: Friday, March 23, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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DISCUSSION OF PENDING INVESTIGATIONS - TMI

- - -

CLOSED MEETING - EXEMPTIONS 5 AND 7

- - -

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

Friday, March 23, 1984

The Commission met, pursuant to notice, at 2:30 p.m.

COMMISSIONERS PRESENT:

- NUNZIC PALLADINO, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner
- FREDERICK BERNTHAL, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- SAM CHILK
- KEITH CHRISTOPHER
- BEN HAYES
- WILLIAM RUSSELL
- JOHN ZERBE
- HERZEL PLAINE

AUDIENCE SPEAKER:

JOE FOUCARD

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: Good afternoon.

3 At today's meeting, the Commission is to receive
4 a briefing on the status of the pending investigations
5 which pertain to the Three Mile Island plant.

6 I understand that this briefing will also include
7 discussion of possible recommendations concerning the
8 "Mystery Man" investigation on which Mr. Hayes would like
9 some guidance.

10 With these opening remarks, unless there are
11 other opening remarks, I propose turning the meeting over
12 to Mr. Hayes.

13 MR. HAYES: Thank you, Mr. Chairman.

14 Previously, when I have met with the Commission,
15 we have given you a status of the current five investigations
16 on-going at TMI.

17 What I would like to do today is to give you the
18 most recent status report and then lay out some options for
19 the Commission for their consideration.

20 At the end of the Commission meeting, I would like
21 to have, if possible, a fairly good understanding of the
22 expectations of the Commission in these investigations and
23 some decision as to some alternatives that I would like to
24 present for your consideration.

25 With respect to the first case on my list, TMI-1

1 leak rate test, that investigation is basically complete. We
2 are now writing our report, it is undergoing review. It will
3 be presented to the Commission the first week in April.

4 The report the Commission will receive will
5 indicate that we have eleven additional individuals to be
6 interviewed. Those eleven were on the Department of Justice
7 list where we were asked not to interview and we will have
8 interviewed those people, hopefully, by the first week in
9 April and have a supplemental report to the Commission by
10 the 15th of April.

11 So, in essence, we will have concluded the TMI-1
12 leak rate test investigation not later than the 15th of
13 April.

14 CHAIRMAN PALLADINO: I see. Now, we had a meeting
15 scheduled for the 13th. So, you would not quite be ready.

16 MR. HAYES: Well, I just picked mid-month. We are
17 going to try to meet your 4-13 date, Mr. Chairman, on that
18 investigation.

19 CHAIRMAN PALLADINO: Now, we will not have had
20 a chance to read it, but you could summarize it for us.

21 MR. HAYES: Well, we intend to give you a full
22 report exclusive of the eleven interviews that yet remain.
23 I think from the investigation we have done so far, you will
24 be able to grasp the bottom line, as it were, on TMI-1
25 leak rate test issue. Unless the eleven interviews turn up

1 something unexpected at this point, I think our first report
2 will probably stand you in good stead. But in our effort
3 to cover all bases we thought we should talk to these other
4 eleven individuals.

5 CHAIRMAN PALLADINO: Do you anticipate any
6 problem in talking to them?

7 MR. HAYES: No, we do not. We are in the process
8 now of arranging interviews and maybe even by the 1st of
9 April we will have concluded those additional interviews.
10 It is just a matter of writing them up and getting them to
11 the Commission.

12 CHAIRMAN PALLADINO: No, I meant the eleven.

13 MR. CHRISTOPHER: They are already arranged. We
14 start Monday morning.

15 CHAIRMAN PALLADINO: All right.

16 MR. HAYES: The next investigation, the staff
17 requested that we investigate why GPU did not timely submit
18 the BETA and the RHR reports to the Commission.

19 Staff concluded that the failure to do so
20 constituted a material false statement by omission. We
21 have concluded that investigation and it will be to the
22 Commission the first week in April.

23 CHAIRMAN PALLADINO: Now, you have no indication
24 how it is coming out? Or don't you -- I don't want to
25 press you or anything.

1 MR. HAYES: I have not reviewed the case personally.
2 My staff has advised me of their views on the matter. But
3 I have not taken a view until I see the evidence.

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MR. HAYES: The next investigation is the Parks and Gischel investigation on which we issued an interim report, as you are aware. We will have concluded the balance of that investigation, namely the intimidation and harassment aspects by the 15th of April. What has held me

1 up there is, the agent assigned to that particular case
2 I transferred to Region V.

3 CHAIRMAN PALLADINO: As opposed to 4-13?

4 MR. HAYES: I'm sorry.

5 CHAIRMAN PALLADINO: If we have to change the date,
6 we'll change the date. I was just trying to find out how
7 precise it is.

8 MR. HAYES: Well, I think by the 13th, if you
9 don't have a written product in front of you, certainly, we
10 are going to be in a position to give you a summary -- if
11 not oral -- about the case.

12 CHAIRMAN PALLADINO: Well, the other problem is,
13 if we start to get a lot of things right around the 15th,
14 you know, we are not going to be able to absorb them quickly.

15 You tell us the dates, then we will determine
16 what we will want to do.

17 COMMISSIONER GILINSKY: What is the status of your
18 interaction with NRR, whoever seemed to take exception to
19 your earlier results?

20 COMMISSIONER ASSELSTINE: I guess it's the NRR
21 determination of the severity level.

22 MR. HAYES: The first report?

23 COMMISSIONER ASSELSTINE: Yes.

24 MR. HAYES: The staff responded back to our
25 first report. I called together the technical team that the

1 staff furnished us and asked them to review the staff's
2 paper and the OI paper. They, in turn, sent a memorandum
3 to me setting forth their position of the staff's paper.

4 I, in turn, submitted it to the EDO on a trans-
5 mittal letter and it currently rests with the EDO. I don't
6 know --

7 COMMISSIONER GILINSKY: Was it Bernie Snyder that
8 wrote the other one, is he the author, is his name on it?

9 COMMISSIONER ASSELSTINE: I think it is.

10 MR. HAYES: Well, I don't know if Mr. Snyder's
11 name is on it or not. I thought it was a staff position,
12 signed by Bill Dircks. I am not sure.

13 COMMISSIONER ASSELSTINE: The contact, I think,
14 was --

15 MR. HAYES: Certainly, it is Bernie Snyder's
16 staff, probably, who did the work.

17 COMMISSIONER GILINSKY: You took your group of
18 persons that were loaned to you and had them review?

19 MR. HAYES: That's correct. The technical team
20 that Dircks assigned to us to work the first report, I
21 pulled together to review Bernie Snyder's analysis of our
22 report and sent that back to Mr. Dircks.

23 COMMISSIONER GILINSKY: How would you characterize
24 that response? Do we have that?

25 MR. HAYES: No, sir; you don't yet.

1 COMMISSIONER GILINSKY: Do we have the other one?

2 COMMISSIONER ASSELSTINE: We have the information
3 from the staff.

4 COMMISSIONER GILINSKY: So why don't we get this
5 one?

6 MR. HAYES: I will send that down to the Commission.
7 Our second report to Mr. Dircks is under review by the staff.

8 COMMISSIONER GILINSKY: Do you still have those
9 several people, are they still loaned to you?

10 MR. HAYES: No, sir. When we issued the
11 September 1st report on the Parks-Gischel procedural
12 allegations, they went back to their respective responsi-
13 bilities. Then, when I got the SECY paper I asked them to
14 reconvene to review the matter and they did so.

15 We have a memorandum of their observations. I
16 just transmitted that to Mr. Dircks.

17 CHAIRMAN PALLADINO: But now you are going after
18 the intimidation.

19 MR. HAYES: Yes, sir. That investigation is
20 basically complete. The investigator is in the process of
21 writing his report. It has been delayed because I trans-
22 ferred him to Region V to assist in the Diablo Canyon
23 investigation.

24 So, it is my understanding the Commission would
25 like a second report that we prepared?

1 COMMISSIONER ASSELSTINE: Yes.

2 MR. HAYES: Continuing on, the next investigation
3 is the Keaten investigation.

4 CHAIRMAN PALLADINO: On this mystery man question,
5 are you going to go back and do anything more to determine
6 whether the Keaten report covered the mystery man?

7 MR. HAYES: Well, I didn't -- I was not aware of
8 that question until just a few moments ago.

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CHAIRMAN PALLADINO: Well, go ahead, what were
you going to say more about?

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COMMISSIONER BERNTHAL: It sounds like it would be
interesting.

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MR. HAYES: The Keaten investigation. This, by
far, is "the" most complex TMI investigation that we have
undertaken. Currently, about a third of our investigative
report has been written. I cannot have this report to you
in April, as I had hoped. I am projecting a report to you in
May on this particular investigation.

1 There was a spin-off of the Keaten matter and
2 that was a training issue that surfaced during the trial
3 transcript review and has also touched upon the Keaten
4 report. We will have that available. But that is a subset
5 of the overall Keaten investigation.

6 CHAIRMAN PALLADINO: Which part are you going to
7 have available?

8 MR. HAYES: A subset of the Keaten report which
9 deals with training. There were some memoranda and letters
10 raising questions about the training program during that
11 period of time. We spun that off and asked another
12 investigator to do that. That investigation is completed
13 and that report is being written now.

14 I will have that to the Commission in April. But
15 the real essence of the Keaten matter is still being written
16 as we speak right now. I do not project that I am going to
17 have that to the Commission during April.

18 CHAIRMAN PALLADINO: Could you give us a little bit
19 of feel of what the complexity is?

20 MR. HAYES: Bill is very close to this one.

21 MR. RUSSELL: There are aspects associated with
22 changes to the report, and the actual factual changes of
23 the report went through various tracks. That aspect appears
24 to be reasonably well at hand as a result of the
25 investigation.

1 CHAIRMAN PALLADINO: Oh, it is.

2 MR. RUSSELL: That one aspect. There are other
3 aspects --

4 CHAIRMAN PALLADINO: But that's an important
5 aspect, if you can determine whether, for example, Clark
6 was involved or Kitner, or some of the people that are there
7 now would be very important to know.

8 MR. HAYES: That issue is covered.

9 MR. RUSSELL: That issue is covered.

10 CHAIRMAN PALLADINO: Can we get something on that
11 by the middle of April?

12 MR. RUSSELL: That portion of it may be able to
13 be broken -- we have not really focused on it.

14 MR. CHRISTOPHER: I think that specific question
15 is not --

16 MR. RUSSELL: -- two other issues out separately.
17 One other issue has to do with a report from Energy, Inc.
18 by one Ken Lucien that relates to the initial plant
19 transient and trip, and the causes of that event. That
20 is associated with the condensate system and the feedwater
21 polishing, and the defective vent conditions that existed
22 at the time.

23 CHAIRMAN PALLADINO: Now, who is Energy, Inc.?

24 MR. RUSSELL: Energy, Inc., is a contractor to
25 GPU that was hired to do this portion of the Keaten Task

1 Force work.

2 CHAIRMAN PALLADINO: Oh, they actually carried
3 on part of the investigation?

4 MR. RUSSELL: That's correct.

5 CHAIRMAN PALLADINO: Part of the Keaten investigation.

6 MR. RUSSELL: In fact, their report is attached
7 as a reference to the Keaten report, and there are summary
8 excerpts in the Keaten report that are based upon this more
9 detailed investigation. It turns out that there were a
10 number of drafts of that report. There appears to be an
11 effort to reduce the responsibility of the start-up and
12 test group that GPU services for the initial condition of
13 the condensate system.

14 There are individuals involved in that who are
15 currently in positions of responsibility at Unit 1 that we
16 feel it is appropriate to investigate further to determine
17 if in fact they had either individual responsibility for
18 the defective conditions and therefore were motivated to
19 cover it up, or whether they were somehow or other directed
20 to have these changes made in the early versions of the
21 report.

22 It appears that the changes that were made were not
23 based upon engineering judgment. Rather, there were
24 defective conditions found. There were test reports which
25 could not be followed, the procedures would not work, and

1 there were signed off test documents indicating that the
2 procedures had been accomplished properly.

3 CHAIRMAN PALLADINO: And this is all information
4 from Energy, Inc.?

5 MR. RUSSELL: This is all information from
6 Energy, Inc., which was provided to persons on the staff of
7 GPU. There was a subsequent interview of the author of the
8 report and in his interview -- I guess it speaks for itself.
9 He characterizes it as an "inquisition."

10 CHAIRMAN PALLADINO: Who characterized it as an
11 inquisition?

12 MR. RUSSELL: Mr. Lucien.

13 CHAIRMAN PALLADINO: Characterized what as an
14 inquisition?

15 MR. RUSSELL: The interview of himself on his
16 technical report by Mr. Hawkins, Porter, and DeCarlo.
17 Hawkins and Porter are in positions of responsibility at
18 Unit 1 and now associated with the start-up program for
19 Unit 1, as managers of that program.

20 They are responsible for the start-up program on
21 Unit 2. They were involved in this aspect of the review of
22 the Lucien report. I think that needs to be clarified.

23 CHAIRMAN PALLADINO: And this, you say, will be
24 more like the middle of May?

25 MR. HAYES: Well, the report probably will not be

1 prepared for the Commission's review until May. As I say,
2 we are about a third of the way through it now. There was
3 a tremendous amount of testimony taken during this
4 investigation. Bill Kuhns' testimony went on for four
5 hours and Dieckamp's testimony went on for three or four
6 hours. We covered many, many areas including the Notice
7 of Violation; the condensate, all kinds of things.

8 To pull this information out into a form to present
9 it to the Commission, it just takes a lot of effort. That
10 is what we have embarked upon. To tell you the truth, it
11 was a little more effort than what I anticipated and I am
12 just suggesting I probably will not have the report to you
13 in total, completed fashion, before sometime in May.

14 But we can present to the Commission answers to
15 your specific questions. We are prepared to do so now if
16 the Commission has such questions. We can tease that
17 material out and present it to you.

18 CHAIRMAN PALLADINO: Well, it certainly appears to
19 me to be important to know the involvement of the people
20 working at TMI-1 now and important or wrongful changes to the
21 Energy, Inc. report.

22 Now, as far as the Keaten report itself, when
23 I said I would like to know whether key managers now on
24 TMI-1 were involved in changes with the Keaten report,
25 would that include the Energy, Inc. part?

1 MR. HAYES: Yes. We are including that attachment
2 to the Keaten report, the Lucien report, as we commonly
3 call it, as a part of the total Keaten report.

4 CHAIRMAN PALLADINO: So, you could tell us about
5 certain key individuals, but it is going to take longer to
6 find out about the others.

7 COMMISSIONER GILINSKY: What about the top
8 people, did they monkey with the report at all?

9 MR. HAYES: Mr. Kuhns?

10 COMMISSIONER GILINSKY: Kuhns, Dieckamp, others.

11 MR. HAYES: Herman Dieckamp did, if I am not
12 mistaken, Keith, did discuss the Keaten report with Mr.
13 Keaten. But I think Mr. Keaten stated that he did not
14 change any of that report based upon Herman Dieckamp's
15 suggestions or recommendations without the full concurrence
16 of the Keaten Task Force; without some technical basis for
17 it.

18 I do not believe Bill Kuhns even saw it during
19 the development stage. But Dieckamp did and we covered
20 that with the author of the report very closely. His
21 testimony is that Herman Dieckamp did not adversely influence
22 the composition of that report.

23 COMMISSIONER ASSELSTINE: And didn't try to?

24 MR. HAYES: And did not try to.

25 MR. RUSSELL: That is only one area of the

1 complexity in the Keaten Task force. Do you want to cover
2 the responses?

3 MR. CHRISTOPHER: I think one point that you brought
4 up earlier, you asked about Mr. Clark. Mr. Clark was
5 interviewed in some detail about the issue, and his background,
6 and the timing with which he came to the company, and his
7 involvement.

8 We have been pretty much been able to establish
9 that his involvement in or actual knowledge of the Keaten
10 investigation was very peripheral at best. He did receive
11 copies of the reports but we cannot establish that he in
12 any way impacted on any changes to that report.

13 CHAIRMAN PALLADINO: Yes, that is what I would
14 like to know, is whether or not and to what extent he
15 impacted.

16 MR. CHRISTOPHER: His involvement was very
17 peripheral to the report.

18 COMMISSIONER GILINSKY: Is there much more?

19 MR. HAYES: I hope not, Commissioner.

20 (Laughter)

21 MR. HAYES: I would like to summarize it so I can
22 get clear in my mind the Commission's desires here. I
23 could take a minute or two to do that.

24 COMMISSIONER GILINSKY: That would be fine.

25 CHAIRMAN PALLADINO: And what decisions you want

1 out of the Commission, so that you don't imply a decision
2 that we did not make, or you may imply we have made a
3 decision that we think is different from the one you made.

4 COMMISSIONER ASSELSTINE: Right.

5 MR. HAYES: That is what I would like to go over
6 now, so we won't have that possibility.

7 CHAIRMAN PALLADINO: At least we want to reduce
8 the probability. Okay, go ahead.

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PAGES 52 THROUGH 59 WITHHELD

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20 MR. HAYES: And we are going to look very closely
21 at Mr. Porter and Mr. Hawkins who are implicated as start-up
22 engineers in TMI-2.

23 CHAIRMAN PALLADINO: Who are Porter and Hawkins
24 again? I didn't write their names down.

25 MR. HAYES: Mr. Porter and Mr. Hawkins are currently

1 employed at TMI-1.

2 COMMISSIONER ASSELSTINE: They were the start-up
3 test engineers at two?

4 MR. CHRISTOPHER: They are currently managers
5 of start-up and test.

6 COMMISSIONER ASSELSTINE: Okay.

7 MR. CHRISTOPHER: And start-up and test managers,
8 similar titles. They are basically the number one and number
9 two men at start-up and test today.

10 CHAIRMAN PALLADINO: They were managers at TMI-1
11 restart?

12 MR. CHRISTOPHER: They are managers, start-up and
13 test today -- start-up and test managers. They got two
14 similar names which means, put "manager" on the front of
15 one and on the end of the other to indicate one is number one
16 and one is number two in the program.

17 CHAIRMAN PALLADINO: But they are not limited to
18 TMI-1, they are just restart and rest managers.

19 MR. RUSSELL: No, they are start-up test manager.

20 MR. CHRISTOPHER: They are specifically start-up
21 and test managers for TMI-1.

22 CHAIRMAN PALLADINO: I had said it before, but
23 then I thought you had denied it. Were they also in the
24 same position for TMI-2?

25 MR. RUSSELL: They were the shift test engineer

1 for Unit 2 and the assistant test supervisor for Unit 2 at
2 the time of the construction and turn-over to operation of
3 the condensate system and would have been responsible for
4 the performance of that system from a control and start-up
5 standpoint up until about the time of the accident.

6 MR. CHRISTOPHER: And apparently at the time they
7 were not employed by GPU. They were employed by the
8 constructors, UE&C.

9 CHAIRMAN PALLADINO: They are now employed by --

10 MR. HAYES: No, I thought they were employed by
11 GPU as supervisors over --

12 MR. CHRISTOPHER: They stayed on after they left
13 UE&C and stayed with the company.

14 CHAIRMAN PALLADINO: Who did they leave?

15 MR. CHRISTOPHER: The constructor, UE&C, United
16 Engineers.

17 CHAIRMAN PALLADINO: But now they do work for
18 GPU.

19 MR. CHRISTOPHER: They stayed with GPU, yes.

20 CHAIRMAN PALLADINO: And why do we investigate
21 them, then because they had some involvement in the Keaten
22 report?

23 MR. HAYES: Yes, sir; they did, and in the
24 Lucien report which is an attachment to the Keaten report.

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PAGES 63 AND 64 WITHHELD

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CHAIRMAN PALLADINO: Did you have other decisions?
Park, Gischel, you are working on intimidation and harassment.

MR. HAYES: Yes, sir.

CHAIRMAN PALLADINO: And Keaten, you are going to
try to give us what you have with regard to the involvement
of Clark and Kitner, intermediate management.

MR. HAYES: Clark and who else, Mr. Chairman?

CHAIRMAN PALLADINO: Well, I think Kitner wasn't
there.

MR. CHRISTOPHER: Mr. Kitner wasn't there at the
time.

CHAIRMAN PALLADINO: Was not there, just Mr. Clark.
And then the involvement of other people such as Porter
and Hawkins, you are going to have to take more time.

Are we generally agreed this is a reasonable
course, then?

COMMISSIONER ASSELSTINE: Yes.

MR. HAYES: Is there anything that the Commission
would like for us to look at or do that we have not
touched upon this afternoon?

MR. ZERBE: Is OI going to make these documents

1 available to the public when they have issued them?

2 CHAIRMAN PALLADINO: You mean immediately?

3 MR. ZERBE: Yes.

4 CHAIRMAN PALLADINO: I hope we get a chance to read
5 them before --

6 MR. ZERBE: There is some urgency relative to the
7 overall TMI decision. If you are going to have the parties
8 read that somewhere along the line and there is not a lot
9 of time and the question is, can these things be made
10 available rather soon to the public.

11 MR. HAYES: Let me address that, Mr. Chairman.

12 Forecasting the Commission's decision to make
13 these reports public, we are in the process now of printing
14 50 copies of TMI-1 leak rate and 50 copies of BETA-RHR -- at
15 least the evidence portion, not the narrative because I
16 have not read the narrative yet. But that is in printing
17 now so that if the Commission desires to make it public, we
18 at least have --

19 CHAIRMAN PALLADINO: Well, let me ask the
20 Commission, would you want to make it public the same day
21 it is handed to you? Somehow, that does not seem right. I
22 don't know how to answer your question because they may read
23 faster; they may not have to do something else the next day
24 that we have to do.

25 COMMISSIONER BERNTHAL: Joe reads just as fast.

1 MR. FOUCHARD: No, I don't believe you have to do
2 it instantaneously, Mr. Chairman.

3 CHAIRMAN PALLADINO: Well, I was just starting there
4 with the most extreme situation.

5 MR. HAYES: Let me suggest, Mr. Chairman, that
6 the TMI-1 leak rate interim report which will not include
7 the eleven interviews yet to be done, we will give to the
8 Commission the first week in April, hopefully.

9 COMMISSIONER ASSELSTINE: Yes.

10 MR. HAYES: And then when the supplemental comes
11 out, that might be the appropriate time to make the entire
12 report available to the public.

13 CHAIRMAN PALLADINO: Well, I was going to suggest
14 as a principle that we give ourselves a week at least, or
15 maybe a little bit longer, to get acquainted with it before
16 we release it. Now, I don't know if this is a practical
17 approach or not. Joe?

18 MR. FOUCHARD: I guess while I don't think you
19 have to do it instantaneously, I don't think you have a week,
20 either.

21 COMMISSIONER BERNTHAL: I don't think so, either.

22 MR. FOUCHARD: My guess is -- excuse me. Go ahead,
23 sir.

24 CHAIRMAN PALLADINO: Why is it more important for
25 the public to read it and we read it?

1 (Laughter)

2 MR. FOUCHARD: Certainly not more important.

3 CHAIRMAN PALLADINO: Why isn't it just as important
4 for us to read it?

5 MR. FOUCHARD: It is more important for you to
6 read it, in my judgment, sir.

7 CHAIRMAN PALLADINO: That's why I say a week is
8 not a --

9 COMMISSIONER BERNTHAL: I don't have great
10 confidence, Joe, that once that is released to the Commission
11 that you will have a week. The public will want it.

12 CHAIRMAN PALLADINO: Well, Joe, what do you
13 recommend? Start back from a week and tell me where you
14 would stop. You said it is not zero, it's more than zero
15 days and less than seven.

16 MR. FOUCHARD: Yes, less than seven. My guess
17 would be 48 hours is probably as long as they would hold,
18 and I may be an optimist.

19 (Laughter)

20 MR. HAYES: Well, with that observation, Mr.
21 Chairman, I might be obliged to hold that report until we
22 have at least conducted our eleven interviews.

23 CHAIRMAN PALLADINO: Yes.

24 COMMISSIONER BERNTHAL: I just wonder --

25 MR. HAYES: I don't want it out until we have done

1 that.

2 COMMISSIONER ASSELSTINE: I guess I am not as
3 pessimistic.

4 COMMISSIONER BERNTHAL: I just wonder about the
5 wiscom, and I would like to hear opinions on the wisdom of
6 piecemealing these reports one at a time.

7 CHAIRMAN PALLADINO: I don't like to piecemeal.

8 COMMISSIONER BERNTHAL: Kind of dribbling them out.
9 Maybe they are in fact independent entities, but I don't
10 know.

11 CHAIRMAN PALLADINO: Which entities are you talking
12 about?

13 COMMISSIONER BERNTHAL: The reports.

14 CHAIRMAN PALLADINO: No, I don't think you ought
15 to have an interim and then this supplemental, for example,
16 as you were talking about.

17 MR. HAYES: On TMI-1, leak rate?

18 CHAIRMAN PALLADINO: On the leak rate.

19 MR. HAYES: Fine.

20 CHAIRMAN PALLADINO: I think you ought to have a
21 leak rate report, that is my opinion.

22 COMMISSIONER BERNTHAL: Yes, on the broader question
23 of all of Ben's investigative reports, I think, whether you
24 want to leak -- whether you want to piecemeal release those,
25 maybe "piecemeal leak" them, that's a possibility.

1 (Laughter)

2 CHAIRMAN PALLADINO: Well, then he holds them up
3 all until April 15th or whatever this date is.

4 COMMISSIONER BERNTHAL: May.

5 CHAIRMAN PALLADINO: Oh, except for the one. There
6 is a bunch that will come around the middle of April. We
7 can release them all at once.

8 COMMISSIONER BERNTHAL: It depends really, I think,
9 on many of the other factors. But it clearly depends partly
10 on whether there are interlocking factors at all.

11 I don't feel qualified to comment on that at
12 this point.

13 CHAIRMAN PALLADINO: But do I understand, except
14 for the matters affecting the Keaten report you are going
15 to have essentially all of yours done by the middle of
16 April; is that right, or did I miss something?

17 MR. HAYES:

18 | -- but we will have, certainly, by
19 the middle of April we will have the TMI-1 leak rate test,
20 the BETA-RHR, and the Parks-Gischel probably completed, and
21 a subset of the Keaten report, the training issue. That is
22 really just a subset.

23 We will be prepared to give those to the Commission.

24 COMMISSIONER BERNTHAL: But you clearly would not
25 be prepared to make some broad recommendation of any kind

1 until all of your investigative work is finished; isn't that --
2 that seems like a reasonable --

3 CHAIRMAN PALLADINO: Well, he doesn't make --

4 COMMISSIONER ASSELSTINE: Ben doesn't make broad
5 recommendations anyway.

6 COMMISSIONER BERNTHAL: Broad characterizations,
7 sorry, on all of your investigative work.

8 MR. HAYES: I try to give that to the staff so
9 that they can make those characterizations.

10 CHAIRMAN PALLADINO: But suppose that is ready
11 by the middle of April, we were given it at that time, give
12 us several days -- I still think a week is all right, but
13 whatever the period is, then release them.

14 Then, in May, the middle of May, we may have
15 some others. I was hoping two batches will do it.

16 Jim, you were starting to say something.

17 COMMISSIONER ASSELSTINE: I was just going to say,
18 I am not all that concerned about our difficulty to keep
19 those things in-house for a week. I agree with you, I
20 think a week is realistic.

21 CHAIRMAN PALLADINO: Well, we get a little more
22 time to deal with that. But I still think we need a week.

23 MR. FOUCHARD: Then take a week, sir.

24 COMMISSIONER BERNTHAL: You want to bet a milkshake?

25 COMMISSIONER ASSELSTINE: I'll bet a milkshake.

1 MR. FOUCHARD: I assume when we mean keep it
2 in-house, we mean in-house.

3 COMMISSIONER ASSELSTINE: Yes, yes. I think we
4 can keep it in-house a week. I'll bet you a milkshake, Fred.

5 CHAIRMAN PALLADINO: Anything more we should
6 discuss on this subject?

7 Wait, let me get your attention because I am
8 about to close the meeting, unless somebody speaks up. Is
9 there anything more that we need to discuss on this matter
10 today?

11 Okay, well, then thank you very much, and we
12 will stand adjourned.

13 MR. HAYES: Thank you, Mr. Chairman.

14 (Whereupon, at 3:55 p.m. the meeting of the
15 Commission was adjourned.)

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CERTIFICATE OF PROCEEDING

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

In the Matter of: Discussion of Pending Investigations-TMI

Date of Proceeding: 23 March 1984

Place of Proceeding: Washington, D. C.

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

Elizabeth Hansen
Official Reporter - Typed

Elizabeth Hansen
Official Reporter - Signature