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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE COMMISSION

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

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

NRC STAFF MOTION FOR EXTENSION OF  
TIME TO SUBMIT COMMENTS IN RESPONSE  
TO THE COMMISSION ORDER OF JUNE 1, 1984

Jack R. Goldberg  
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July 3, 1984

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I. INTRODUCTION

By Order dated June 1, 1984, the Commission requested the parties to comment on the following question:

[W]hether, in view of ALAB-772 and all other relevant information, including investigative reports by the Office of Investigations, the management concerns which led to making the 1979 shutdown order immediately effective have been sufficiently resolved so that the Commission should lift the immediate effectiveness of those orders prior to completion of review of any appeals from ALAB-772. (Footnote omitted.)

By Order dated June 12, 1984, in response to a TMIA request for an extension of time to submit comments, the Commission gave all parties other than the Staff until close-of-business on July 6, 1984 to submit comments and gave the Staff until close-of-business on July 11, 1984, to submit its comments. Because of the unavailability, until July 16, 1984, of a final pertinent investigative report from the Office of Investigations, the Staff hereby requests an extension of time until July 19, 1984 to submit its comments.

## II. DISCUSSION

In a June 7, 1983 memorandum to the Commission, the Staff outlined the basic steps that would have to be taken before the Staff, for its part, could reach a decision on whether restart should be permitted. These steps included a complete resolution of any outstanding safety issues, and a satisfactory approach to assuring that any individual whose integrity was questioned as a result of the various allegations, reviews and investigations was removed from safety-related activity at TMI-1 pending completion of any required investigations, unless the Licensee could satisfactorily demonstrate that one or more of those individuals could be retained while they were under investigation. On July 15, 1983, the Staff provided the Commission with its plan to complete the restart review. The Staff indicated that it would await the outcome of the various reviews and investigations of open issues and integrate the results of those reviews and investigations into an overall staff position on management integrity.

Consistent with the approach described in the Staff's July 15, 1983 memorandum and reiterated in the April 29, 1984 memorandum to Chairman Palladino from William J. Dircks, the Staff is continuing its thorough review of all the OI reports relating to management integrity, and will integrate the results of that review into an overall Staff position on management integrity, which will be documented in an SER supplement as soon as possible after completion of the last OI investigation.

At this time, OI has not completed all of the TMI-1 restart-related investigations. The Staff is informed that OI will complete the last Report of Investigation on TMI-1 restart-related matters on or about

July 16, 1984. The Staff, therefore, needs a short period of time after receipt of the final OI Report to incorporate its results into the Staff's SER supplement and comments in response to the Commission's Order of June 1, 1984. Consequently, the Staff requests that it be granted an extension of time until close-of-business on July 19, 1984 to submit its comments.<sup>\*/</sup> If OI has not completed its last Report and provided it to the Staff on July 16, 1984, then the Staff requests an extension of time until close-of-business on the third business day following receipt of the last OI Report.

Staff counsel has contacted representatives of other parties to this proceeding, in order to be able to represent to the Commission their views on the instant motion. Licensee opposes the Staff's motion, on the following grounds: when the Commission set the current briefing schedule, it presumably was aware of the schedule for the release of OI's remaining reports, and stated at the time that it was disinclined to grant any requests for further extensions; to the extent the outstanding OI reports involve personnel involved at TMI-2 around the time of the accident, such reports should not play a role in the Commission's immediate effectiveness decision because of changes in personnel at TMI since the accident; finally, Licensee believes the Staff should express its position on management integrity, making those

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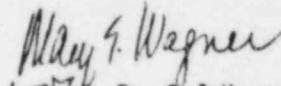
<sup>\*/</sup> The Staff is aware that in the Commission's Order of June 12, 1984, granting in part TMIA's extension request, the Commission noted that it was disinclined to grant any requests for further extensions of time. The Staff believes this request is necessary, however, in order for the Staff's position on restart to be based on all the relevant OI Reports.

views "subject to" the receipt of any outstanding reports. TMIA does not oppose the Staff's motion. Both UCS and the Aamodts do not oppose the Staff's motion provided that an extension be granted to all parties to allow them to incorporate the results of the OI investigations into their comments; UCS would like a week after issuance of the last OI report, and the Aamodts would like five days after their receipt in hand of the last OI report.

### III. CONCLUSION AND REQUEST FOR RELIEF

For the reasons set forth above, the Staff requests that it be granted an extension of time until close-of-business on July 19, 1984 to submit its comments. If OI has not completed its last Report and provided it to the Staff on July 16, 1984, then the Staff requests an extension of time until close-of-business on the third business day following receipt of the last OI Report.

Respectfully submitted,

  
Mark R. Goldberg  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 3rd day of July, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENSION OF TIME TO SUBMIT COMMENTS IN RESPONSE TO THE COMMISSION ORDER OF JUNE 1, 1984" 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, or, as indicated by double asterisks, by hand delivery, this 3rd day of July, 1984:

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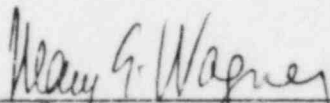
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