



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

September 9, 1983

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MEMORANDUM FOR: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal

FROM: *J. E. Zerbe*  
John E. Zerbe, Director  
Office of Policy Evaluation

SUBJECT: SCHEDULE FOR TMI-1 RESTART

cc: T. Martin ✓  
R. Starostecki  
J. Gutierrez  
R. Keimig  
9/16/83-TEM

Introduction

As requested by the Chairman, OPE is providing an updated TMI-1 Commission decision-making schedule. It includes consideration of contingencies which could result in largely different decision points. Because of the large uncertainties in some of the major areas, we are not including a detailed milestone chart listing all individual actions as previously provided. However, the enclosed chart includes all major issues that presently determine the likely range of possible decision dates.

The last schedule formally provided to the Commission was the flowchart forwarded by OPE memorandum of June 30, 1983. That schedule indicated a potential Commission immediate effectiveness decision date of late October 1983. Since that time the licensee has slipped to October 15, 1983 the estimated date on which the plant would be physically capable of criticality. The staff has also updated its estimates of completion dates for other actions that now appear to be necessary for restart. At the present time, it appears that the three major pacing items are: 1) the OI Hartman investigation and the reopened hearing on Hartman's allegations; 2) a significant hazards consideration determination and, if required before restart, a hearing on steam generator repair; and 3) resolution of the contested hardware issues. Assuming the Commission takes no action that would alter the likely course of events outlined below, the following discussion indicates our present best estimates for completion of major actions necessary to reach a Commission decision.

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Management Issues

Present staff schedules indicate that ongoing reviews of TMI issues other than management integrity will be completed by the end of September 1983. This will include revalidation issues and any other non-integrity management issues arising from the GPU v. B&W trial record review. The completion date of the critical item -- a full finding by staff on the management issue -- is yet to be determined because it depends upon resolution of the management integrity issue, which depends in turn upon completion of those investigations dealing with the Hartman allegations, the Keaton report, and other management integrity matters. Moreover, until staff completes its review of the GPU v. B&W trial transcript, still more issues could be identified requiring investigation. It appears that of all the current investigations, the Hartman one will take the longest to complete and is, thus, the pacing investigation.

The schedule for completion of the Hartman investigations appears dependent upon when the grand jury completes its investigation and whether or not indictments result. If indictments result, it will probably be necessary to request the Department of Justice to grant certain individuals immunity so that they will testify to NRC. The completion of the grand jury investigation and thereafter the possible need to request grants of immunity from the Department of Justice are therefore the pacing items for completing the Hartman investigation. Assuming that the grand jury can complete its work sometime between October 1983 and April of 1984, the completion of the NRC investigation can be predicted to take two months, i.e., December 1983 to June 1984. We note that, if the Hartman matter could be completed by January, other investigations (e.g., RHR/Beta) expected to be completed between January and March could become the controlling items. Assuming that staff can make its determination within one month of completion of all investigations, a management integrity finding by staff could occur as early as February or March or as late as July 1984.

On August 31, 1983, the Appeal Board issued its decision (ALAB-738) that the management phase of this proceeding be reopened due to the Hartman allegations, and remanded this issue to the Licensing Board. It is our understanding that the original Licensing Board is not available to conduct the reopened proceeding and that a new one will have to be appointed to deal with it. We roughly estimate that a 6-12 month period would be required to complete this proceeding, if the Commission does not overrule the Appeal Board on reopening. Thus, the Commission could not issue until sometime between April and October 1984 an immediate effectiveness decision on the results of a remanded hearing.

Given these decision-making assumptions on the management issue, the Commission would not be able to take up the management question until Spring to Fall of 1984.

Steam Generator Issue

The repair of the steam generators involves a determination as to whether a significant hazards consideration is involved. Staff expects to complete its determination on the significant hazards consideration issue by October 17, 1983. If the staff determines, and the Commission agrees, that no significant hazards consideration is involved, then this issue could be resolved by November 1983, because a hearing, while still required by Section 189.a(2) of the Atomic Energy Act, need not be concluded before restart. If it is determined that a significant hazards consideration is involved, completion of a hearing on steam generator repair would be required prior to restart. That proceeding has already been initiated and an estimated 9-12 months will be required for its completion. If the hearing must be completed before restart, a Commission immediate effectiveness decision on this matter could not be issued until June-September 1984.

Merits Review of Contested Hardware Issues

The Commission has taken under review the issue of whether or not the Appeal Board in ALAB-724 properly excluded from the proceeding a staff board notification regarding the PORVs. We estimate that the Commission can decide this matter by November 15, 1983.

The merits review of several other contested hardware issues involves, as a first step, a Commission decision on whether or not to review the ALAB decision (ALAB-729). In a paper scheduled to be delivered to the Commission by September 22, 1983, OGC and OPE will address the need for such review. If the Commission were to take review, we estimate that the Commission could complete its decision on hardware issues by January 31, 1984.

Estimated Commission Restart Decision

As shown on the enclosed chart, assuming the Commission takes no action that would alter the likely course of events outlined above, a Commission restart decision would not be possible before March 1984 and could be as late as October 1984.

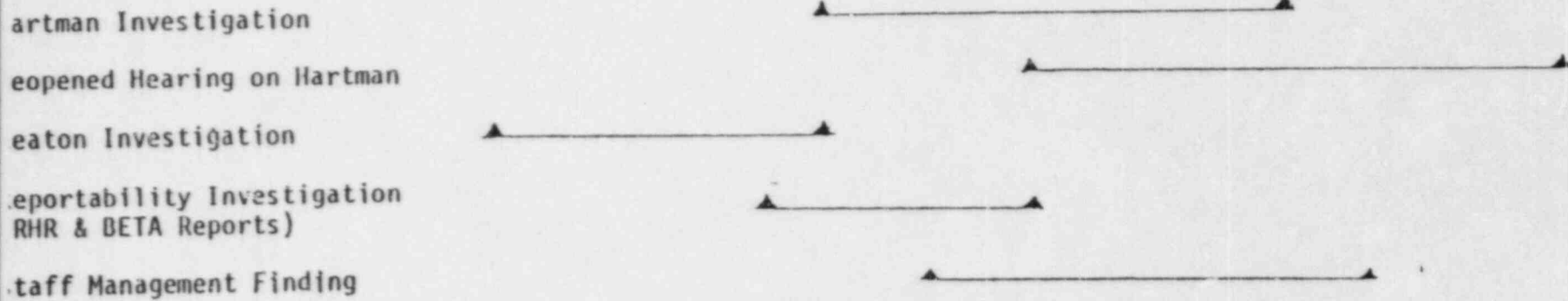
Enclosure:  
As stated

cc: S. Chilk  
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J. Cummings

MAJOR ISSUES DETERMINING TMI-1 SCHEDULING

OCT. 83                      JAN. 84                      MAR. 84                      JUN. 84                      SEPT. 84                      DEC. 84

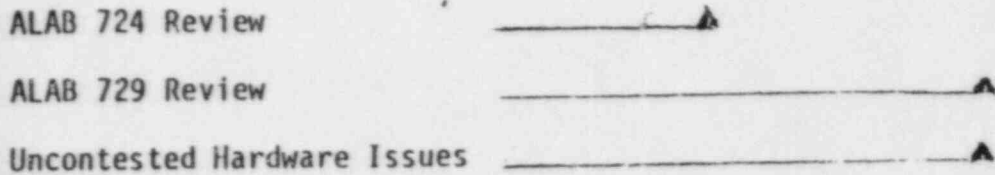
MANAGEMENT ISSUES



TEAM GENERATOR ISSUE



HARDWARE ISSUES



COMMISSION RESTART DECISION



ENCLOSURE