



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

PDR-016

July 13, 1984

OFFICE OF THE
SECRETARY

Ellyn R. Weiss, Esq.
Harmon, Weiss & Jordan
2001 S Street, N.W.
Suite 430
Washington, D.C. 20009

IN RESPONSE REFER TO
FOIA-84-486

Dear Ms. Weiss:

This responds to your Freedom of Information Act request of June 12, 1984 for the transcripts of the closed Commission meetings related to Three Mile Island Unit 1 from February 10, 1984 to date and from May 1, 1979 through August 21, 1981.

Fourteen meeting records - 11 transcripts and 3 minutes -- fall within the scope of your request. The Commission is enclosing portions of the transcripts of meetings held on March 23, 1984 ("Discussion of Pending Investigation -- TMI") and May 23, 1984 ("Discussion of Pending TMI Investigation Matters"). Large portions of those transcripts are being withheld under Exemptions 5, 6, 7(A) and 7(C) of the Government in the Sunshine Act (5 U.S.C. 552b(c)(5), (6), (7)(A) and 7(C), and 10 CFR 9.104(a)(5), (6), (7)(i) and (7)(iii)) because disclosure of those discussions would interfere with potential NRC enforcement proceedings and would also constitute a clearly unwarranted invasion of personal privacy.

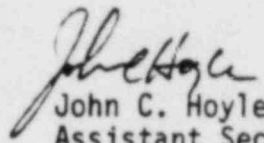
The Commission is withholding the remaining twelve transcripts or minutes under Exemption 10 of the Government in the Sunshine Act (5 U.S.C. 552(c)(10) and 10 CFR 9.104(a)(10)) because the discussions involve the conduct or disposition of a particular case of formal agency adjudication pursuant to 5 U.S.C. 554 and do not relate to the "interim restart" of Three Mile Island, Unit 1. See Philadelphia Newspapers, Inc. v. NRC, No. 83-1698, D.C. Cir. (February 10, 1984). These documents are listed in Appendix B.

I am the official responsible for the denial of the release of the material withheld. In withholding material, I have determined that the public interest does not require release. The denials may be appealed to the Commission within 30 days from receipt of this letter. Any such

¹Portions of five of the meetings do not relate to Three Mile Island and, accordingly, those portions do not fall within the scope of your request.

appeal must be in writing addressed to the Secretary of the Commission, Washington, D.C. 20555 and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision".

Sincerely,


John C. Hoyle
Assistant Secretary

Enclosures:
Portions of March 23, 1984
and May 23, 1984 transcripts

APPENDIX A

TRANSCRIPTS RELEASED IN PART

1. 3/23/84 - Discussion of Pending Investigation -- TMI
2. 5/23/84 - Discussion of Pending TMI Investigation Matters

APPENDIX B

TRANSCRIPTS OR MINUTES WITHHELD

1. 10/16/80 - Discussion and Vote on SECY-A-80-73B, Proposed New Order on Psychological Stress at TMI-1 (MINUTES ONLY)
2. 11/20/80 - SECY-A-80-73B - Proposed New Order on Psychological Stress at TMI-1 (MINUTES ONLY)
3. 1/15/81 - Order in TMI-1 Restart (MINUTES ONLY)
4. 3/10/81* - Discussion of Application of the Hearing Process to Pending Proceedings
5. 3/12/81* - Discussion of Application of the Hearing Process to Pending Proceedings
6. 3/17/81* - Discussion of Application of the Hearing Process to Pending Proceedings
7. 5/20/81* - Discussion of Application of the Hearing Process to Pending Proceedings
8. 8/13/81 - Discussion of SECY-81-454 - Issuance of Order in TMI-1 Restart Proceeding
9. 8/18/81 - Discussion of Issuance of Order in TMI-1 Restart Proceeding
10. 8/20/81 - Affirmation/Discussion Session 81-31 Order in TMI-1 Restart
11. 8/25/81 - Briefing on Pending Adjudicatory Proceedings
12. 6/1/84 - Discussion of Appeal Board Decision on TMI-1 (ALAB-772)

* Portions of transcript not related to TMI-1 and fall outside scope of your request.

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ORIGINAL
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMISSION MEETING:
DISCUSSION OF PENDING TMI INVESTIGATION MATTERS

CLOSED MEETING
Exemptions Nos. 5 and 7

Location: Washington, D. C.

Pages: 1-9499

Date: Wednesday, May 23, 1984

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DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on Wednesday, May 23, 1984, in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was closed to public attendance and observation. This transcript has not been reviewed, corrected or edited and it may contain inaccuracies.

Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs.

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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DISCUSSION OF PENDING TMI INVESTIGATION MATTERS

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CLOSED MEETING - EXEMPTIONS 5 AND 7

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

Wednesday, May 23, 1984

The Commission met, pursuant to notice, at 10:08 a.m.

COMMISSIONERS PRESENT:

- NUNZIO PALLADINO, Chairman of the Commission
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner
- FREDERICK BERNTHAL, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- S. CHILK
- K. CHRISTOPHER
- B. HAYES
- B. RUSSELL
- W. DIRCKS
- H. DENTON
- R. LEVI
- H. PLAINE

AUDIENCE SPEAKERS:

- R. MATAKAS
- R. FORTUNA
- J. FOUCHARD

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: Good morning, ladies and
3 gentlemen.

4 This morning we will take up in closed session
5 two OI reports on the Keaten matter. But before we begin, the
6 Sunshine Act requires the following votes: The vote to hold
7 on less than one week's notice; to vote close Exemption 5
8 enforcement actions, Exemption 7 investigatory report.

9 May I have your votes on both those items?

10 COMMISSIONER ASSELSTINE: Aye.

11 COMMISSIONER ROBERTS: Aye.

12 COMMISSIONER BERNTHAL: Aye.

13 CHAIRMAN PALLADINO: Aye.

14 With regard to the Keaten matter, one report
15 concerns allegations of improper influence by GPU management
16 on the Keaten report, the licensee's internal report of
17 investigation concerning the TMI-2 accident.

18 The second report addresses allegations of
19 improper GPU management influence on the Lucien report, a
20 contractor's report that was critical of the TMI-2 startup
21 and test program.

22 A significant issue we need to deal with today is
23 the question of public release of these reports. In this
24 regard I note the statement in Ben Hayes' memorandum to the
25 EDO dated May 18, 1984, that the OI report on the Keaten

1 report will be provided to the Department of Justice for
2 prosecutorial review. I think we should discuss that.

3 Before I begin, I should note the presence of the
4 EDO staff, and I would like to get OGC's opinion on the
5 propriety of their presence.

6 MR. PLAINE: Mr. Chairman, it's perfectly proper
7 in connection with helping advise the Commission on an
8 investigative matter. But we should be careful in this
9 meeting not to discuss the impact of what we say on restart
10 because of the ex parte considerations.

11 CHAIRMAN PALLADINO: Okay, any questions or
12 problems?

13 I will then -- I should ask whether other
14 Commissioners have opening remarks.

15 COMMISSIONER ASSELSTINE: No.

16 CHAIRMAN PALLADINO: If not, I'll turn the meeting
17 over to Ben Hayes to give us background on these issues.

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

19 Let me open up this morning's proceedings by going
20 over just basically the investigations that we have completed
21 to date concerning Three Mile Island, GPU et al.

22 We have currently pending in Harrisburg a potential
23 criminal case on operator exam cheating. We have completed
24 inquiry on training irregularities; a case on procedural
25 violations; a BETA/RHR report; a radiation leak report; the

1 Keaten investigation which we will talk about this morning;
2 harassment and intimidation, which we will talk about today
3 also; and we have completed another inquiry on startup and
4 test engineers which is a total of nine investigations that
5 we have done over the last 15 months or so, that are presently
6 before the Commission and the staff now.

7 This current investigation, the Keaten investigation,
8 grew out of the staff's review of the trial transcript as
9 well as information available to the staff and OI. The
10 investigation was conducted a little differently than our
11 normal investigations. That is, throughout this investigation,
12 a member of NRR was with OI on many, many of the interviews,
13 participated in the planning and strategy of this investigation.

14 We attempted to address many issues in the Keaten
15 report. It was our opportunity to try to, or at least
16 attempt to answer, many of the unresolved questions that
17 have plagued the Commission and the staff for a number of years.

18 I might add as a footnote, I think the Commission
19 would have been best served having this investigation
20 conducted five years ago rather than in the last six months.
21 It was very difficult trying to obtain solid evidence or
22 testimony as to an event that happened more than five years
23 ago.

24 Also, just as a word of caution, when this report
25 is made public, as well as 10.20, if you sat down and took

1 the staff's 10.20 and took this report and looked at all
2 the evidence, it may raise more questions than what we have
3 attempted to answer here.

4 I guess that's kind of a -- something you might
5 call a "cop-out" on my part, but I guess I'm saying we did
6 not resolve all the issues that might rest out there.

7 CHAIRMAN PALLADINO: Are you going to identify them
8 as we go along?

9 MR. HAYES: Well, I'm going to go through the
10 basis of the investigations, some of the issues that we
11 attempted to concentrate on.

12 Another thing is, this investigation from our
13 perspective attempted to focus on those issues that the staff
14 had brought to our attention in an effort to place the staff
15 in a position to make "a" decision concerning GPU's management.

16 So, I guess I'm characterizing this investigation
17 as not the typical OI-type of product from that standpoint.

18 Bill Dircks requested that the Office of Investigation .
19 pursue this matter in August of 1983. This was during the
20 NRR review of the trial transcripts. On November 8 of 1983,
21 the staff sent to OI the results of the B&W transcript review.

22 So, starting in about November of 1983 is when OI
23 earnestly took on this particular investigation. So, we have
24 had it for approximately six months.

25 The purpose of the investigation was to determine

1 if the task force prepared a biased report and that negative
2 information was not included in the final product. And then
3 the reason why this information was excluded. Basically, did
4 management have an improper influence on the production and
5 interpretation of the Keaten claims.

6 COMMISSIONER ROBERTS: I want to make sure I
7 understand the question. Not did they influence, but is not
8 the operative adjective "improperly," whatever? Improperly
9 influenced?

10 MR. HAYES: Improperly.

11 COMMISSIONER ROBERTS: Okay.

12 MR. HAYES: And in some instances, there was
13 influence. But in our view -- from NRR's perspective from
14 a technical analysis, it was not necessarily improper. That
15 is, they had a technical basis to cause a particular change
16 in the draft.

17 There is some evidence that indicates something
18 else, and we will get into that, Commissioner. We attempted
19 to differentiate those for the Commission and the staff.

20 CHAIRMAN PALLADINO: So, what is the differentiation,
21 whether they had improper influence, and what was the other
22 one?

23 MR. HAYES: Well, in some instances there was
24 managerial influence. The mere fact that a senior manager
25 in a corporation asks a subordinate a question is not of itself

1 some influence. But whether or not the changes in that
2 particular report, as it progressed through seven drafts, was
3 improper, that is to say, was groundless or for some other
4 ulterior motive, we tried to focus on that to give the
5 Commission some feel for the evidence that would support or
6 negate that contention.

7 Again, we were trying to speak toward the integrity
8 of GPU management the best we could.

9 The investigation focused on approximately four
10 areas with subsets:

11 1. The various changes made in the task force
12 report from the period of September 1979 through December
13 1980. If I am not mistaken, there were seven drafts --
14 seven drafts.

15 2. Metropolitan Edison's basis for their response
16 to the Commission Notice of Violation. That response was
17 dated December of '80; wasn't it?

18 MR. CHRISTOPHER: December 5th.

19 MR. HAYES: December 5, 1980.

20 MR. CHRISTOPHER: '79.

21 MR. HAYES: '79, excuse me.

22 CHAIRMAN PALLADINO: Say it again, what date?

23 MR. HAYES: The licensee's response to the
24 Commission's Notice of Violation, that response was dated
25 December 5, 1979.

1 The third major focus centered on changes made
2 to a report entitled, "Loss of feedwater flow --

3 MR. RUSSELL: Leading.

4 MR. HAYES: -- leading -- can't read my own
5 writing -- "leading to the accident of March 28, 1979." That
6 is basically called the Lucien report, and will be so noted
7 during this meeting as the Lucien report.

8 Now, there were other areas that we tried to focus
9 on during the interrogation process of the numerous witnesses
10 that we spoke to. That is somewhat -- I call them subsets,
11 such as budget problems during or prior to the accident; the
12 pace of the startup and testing; training prior to and
13 after. We tried to focus on managerial philosophy, and
14 pre-accident recommendations for plant improvement.

15 Again, let me further say that this investigation
16 is probably the most complex because it is very difficult to
17 determine philosophy and matters that existed five years ago.
18 But the attempt was made.

19 I would like to add that the investigation did not
20 produce any creditable evidence concerning Mr. Kuhns or
21 Mr. Clark, or Hank Hukill in any alleged wrong-doing. Further,
22 our investigations --

23 CHAIRMAN PALLADINO: Could you read those names
24 again?

25 MR. HAYES: Mr. Kuhns, Mr. Clark, and Mr. Hukill --

1 H-u-k-i-l-l, I think.

2 CHAIRMAN PALLADINO: You did not include Dieckamp
3 in that list.

4 COMMISSIONER ASSELSTINE: He sure didn't.

5 MR. HAYES: No, I did not.

6 CHAIRMAN PALLADINO: I just wanted to know.

7 MR. HAYES: Also, our investigations to date have
8 not implicated Mr. Mike Ross in any alleged wrong-doing -- at
9 least that's our view at this point.

10 I have one other comment before I turn it over to
11 Mr. Christopher, our Director from Region I.

12 We have two additional pending TMI investigations.
13 One is the TMI Hartman matter which we have hopes of con-
14 cluding in June of this year, getting a report to you. In
15 essence, that report will speak to the allegations that
16 Harold Hartman made. One, of course, has been adjudicated
17 and there were some other technical matters or technical
18 allegations... We will be submitting our analysis of those
19 in conjunction with the staff in June.

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PAGES 10 THROUGH 44 WITHHELD

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COMMISSIONER ROBERTS: Sounds great.

CHAIRMAN PALLADINO: All right, can we go on with the Keaten matter?

MR. HAYES: Thank you, Mr. Chairman. I would like to ask that Mr. Christopher. Keith Christopher, then brief the Commission on the details of the Keaten report. Keith?

MR. CHRISTOPHER: Let me first say, as we comment early, there was a wide and very broad range of changes made

1 to these drafts, not unlike many of the reports that go
2 through Commission offices. And the review by Bill Russell's
3 team was conducted with that in mind and trying for both of
4 our staffs -- his and mine -- to try to balance out what was
5 an appropriate managerial review correction versus what could
6 have been improper.

7 So, I would only say that I'm only going today
8 address several very specific issues because those are the
9 ones that we believed could raise questions, whereas the
10 numerically larger number of other changes, we found they
11 did several things. They may have minimized a somewhat
12 negative aspect, review of the company. At the same time,
13 we found that those statements and changes were made as a
14 result of the task force review and their decision that
15 maybe they felt that the statements were too general, too
16 broad, and were made without the influence of corporate
17 management.

18 So, we'll not address those types of changes here
19 and simply the very specific issues --

20 CHAIRMAN PALLADINO: Aren't you going to address
21 the involvement of the president of GPU in this?

22 MR. HAYES: Bob Arnold.

23 MR. CHRISTOPHER: Bob Arnold, yes, sir. Only those
24 changes --

25 CHAIRMAN PALLADINO: He was president of GPU,

1 I presume.

2 COMMISSIONER ASSELSTINE: Dieckamp.

3 MR. CHRISTOPHER: Yes.

4 CHAIRMAN PALLADINO: That would be important. I
5 think it's particularly important.

6 MR. CHRISTOPHER: -- that there are other changes.
7 It was our determination, based on the evidence and the
8 testimony we reviewed, that those changes were logical, were
9 reasonable and in some cases could put the licensee in a
10 more favorable light, yet were not the result of corporate
11 management influence but did seem to have a -- not a devious
12 intent in terms of the changes to those aspects. So, we
13 only knew that there are those other changes.

14 The Keaten report -- that's how I refer to it,
15 as the Keaten report -- appears to have been changed in
16 several areas as a result of influence from corporate
17 management. And when I refer to corporate management in
18 this investigation, we are primarily speaking of Mr. Arnold,
19 Mr. Dieckamp, or to individuals working directly for them
20 during this process.

21 Specifically, a Keaten draft dated October 29, 1979 --
22 October 29, 1979 -- stated specifically that the plant,
23 operating with their emergency feedwater valves closed, was
24 in violation of plant operating procedures and technical
25 specifications.

1 Now, the timing here is, on October 25th the NRC
2 cited the licensee for that particular violation. So, there
3 were just a couple of days. That October 29th report already
4 had been prepared and the statements were made.

5 Now, after the Notice of Violation was issued,
6 citing this citation as one of many of the violations, the
7 next draft of the Keaten report which was dated in November,
8 rewrote that particular section of the report, removing the
9 conclusion that the technical specification was violated.

10 The licensee's response to the NOV, which then was
11 dated on December 5, 1979, a month later, stated that they
12 had not violated the requirements for the technical speci-
13 fication concerning emergency feedwater isolation.

14 Testimony by our investigators from Mr. Keaten
15 established that there was a direct connection between this
16 change in the report and the response to the NOV.

17 Keaten has indicated during his testimony that the
18 individual who was responsible for preparing the response
19 to the NOV for Mr. Arnold, an individual by the name of
20 Mr. Edward Wallace, gave him a different interpretation of
21 the technical specification.

22 CHAIRMAN PALLADINO: Gave who?

23 MR. CHRISTOPHER: Gave Mr. Keaten, the task force.

24 CHAIRMAN PALLADINO: And who gave him different --

25 MR. CHRISTOPHER: Mr. Wallace. Mr. Wallace was

1 preparing the response to the Notive of Violation at Mr.
2 Arnold's direction.

3 During this preparation, Mr. Wallace convinced
4 the Keaten task force that their interpretation -- that there
5 was another interpretation of the technical specification.
6 This caused the task force to change its conclusion that the ---
7 to indicate that the technical specification was violated
8 to the fact that the technical specification was ambiguous,
9 but that the intent of the technical specification was violated.

10 COMMISSIONER ROBERTS: Well, is this something that
11 reasonable people can disagree on?

12 MR. CHRISTOPHER: Yes. It is in this area -- I
13 bring this one into context because there is a -- only because
14 there is a direct correlation between changes to the report,
15 the NOV, and the management influence.

16 MR. RUSSELL: Let me clarify the response a little
17 bit in that the Keaten task force concluded that while the
18 literal words in the technical specifications were ambiguous
19 and there may have been more than one interpretation, that they
20 had in fact violated the intent of the requirement.

21 That is a different conclusion than is in the
22 response to the NOV. So that the Keaten task force came part-
23 way to the view of the individual who drafted the response to
24 the NOV. That is, there is ambiguous wording, it could be
25 interpreted a different way. But in their opinion they

1 violated the intent.

2 CHAIRMAN PALLADINO: Who? Oh, the --

3 MR. RUSSELL: The Keaten task force.

4 CHAIRMAN PALLADINO: The Keaten task force drew
5 that conclusion.

6 MR. RUSSELL: Right. They said that essentially
7 there was another interpretation. But they felt they did
8 violate the intent. And the response to the NOV flatly
9 states that they didn't violate the technical specification.

10 COMMISSIONER BERNTHAL: Well, let me see, though,
11 the issue here then -- if I'm understanding what you are
12 saying -- is the question of a material false statement in
13 response to the NOV, based on whatever it was they knew
14 on viewing an initial draft of the Keaten report, and what
15 seemed to be even apparent in the revised draft.

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23 MR. CHRISTOPHER: Let me clarify something. I'm
24 doing this -- I'm going to do this in two steps. The first
25 two issues that I will deal with -- although there is inter-

1 relation, it will get confusing -- is the impact on the
2 Keaten report itself and the influence on the Keaten report
3 and the changes, how they occurred, so the judgment can be
4 made whether that influence was improper.

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PAGES 52 THROUGH 55 WITHHELD

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MR. HAYES: That's why I say the thrust of this investigation was somewhat unique and not like OI's normal investigative course. We are working very close with NRR to attempt to resolve some of the issues that NRR has been asked to resolve. And we did not approach this investigation from necessarily an enforcement standpoint.

But at the same time, we tried to cover as many bases as we could while we had the people under oath and in the question-and-answer position so that maybe we can get and glean from this mound of information, hopefully we can address these sub issues that exist.

CHAIRMAN PALLADINO: You want to go on?

MR. CHRISTOPHER: Again, what I am addressing here in this first phase is the impact of management influence on the report itself, and I will address the actual response to the NOV and the potential for false information in the second half of this. This deals purely with how the Keaten report changes apply to management influence.

PAGES 57 THROUGH 59 WITHHELD

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MR. CHRISTOPHER: Okay. Mr. Arnold directed the task force to look at several specific issues when he established the task force.

COMMISSIONER ROBERTS: Was this done by a memo?

MR. CHRISTOPHER: Yes, this was done by memorandum.

COMMISSIONER ROBERTS: Do we have the memorandum?

MR. CHRISTOPHER: Yes, sir, we do, and I'll --

MR. HAYES: Try to summarize it, if you can.

MR. CHRISTOPHER: In summary, the issues were to investigate the factors related to the main feedwater pump trips, including the system design features, equipment malfunctions. Awareness by operators, supervision and management of systems problems prior to March 28.

Secondly, the rationale for the control room and staff personnel's response to the plant conditions as they responded during the first few hours of the event, including information availability, procedural consideration and exercise of authority of supervision. The implementation of the emergency plan.

Also, the status of the PORV pressurized electromagnetic relief valve failure, including full data from other installations and testing -- pathways for radioactive fluids and transportation. The incorrect status

1 of the emergency feedwater valves, which is the issue we
2 are discussing this moment, including the practices that
3 permitted the completion of procedure without ensuring
4 proper valve lineup, and the reasons for why those valves
5 could exist in that condition, and the adequacy assessment
6 by plant supervision and company management of the extent
7 of damage to the core, including timeliness, availability
8 and flow of information and technical accuracy.

9 MR. HAYES: This investigation was really their
10 effort to determine the causes of the investigation, presumably
11 so as to take appropriate managerial action to preclude such
12 an event in the future, the reasons why.

13 MR. CHRISTOPHER: It was specifically asked for
14 to go beyond what they did in terms of developing their
15 sequence of events in addition to that they felt they
16 needed more --

17 COMMISSIONER ROBERTS: What was Keaten's position
18 at that time? that he was commissioned to do this report?

19 MR. CHRISTOPHER: Keaten at that time was in, I
20 think, the same position he is today. He is a director of
21 Engineering, Systems Engineering.

22 MR. MATAKAS: I believe that's right.

23 CHAIRMAN PALLADINO: Can we move on?

24 MR. CHRISTOPHER: Okay. I left off with the
25 categorization of the changes to the Keaten report as it

1 was impacted by the NOV in regards to this area.

2 During the testimony, during the investigation,
3 the primary individuals here involved were Mr. Wallace who
4 is currently manager of a Safety Review Group and Mr. Arnold;
5 those are the two key players. And I'm not sure -- in this
6 specific area, I'm sorry, I would also include Mr. Dieckamp.

7 CHAIRMAN PALLADINO: Yes, I was going to ask that.

8 MR. CHRISTOPHER: Mr. Wallace -- the testimony
9 states that Mr. Wallas was designated as the individual
10 responsible for preparing the response to the Notice of
11 Violation by Mr. Arnold.

12 Mr. Wallace was also a general member of the task
13 force, going back and forth, working with Mr. Arnold and
14 the task force.

15 The testimony regarding this specific area of the
16 response indicated that Mr. Arnold in fact raised concerns
17 over the working of the response in the NOV, said it was
18 very narrow, very legalistic in nature and could give the
19 wrong interpretation to the response.

20 The testimony by Mr. Wallace is that he convinced
21 Mr. Arnold that this was the appropriate course to take.

22 The testimony also established that Mr. Dieckamp,
23 while not having any direct influence or input into the
24 changes of this portion of the report, was aware of the
25 argument that was being set forth in this aspect of the

1 response to the NOV. By his testimony he stated that in
2 his view he thought the argument was -- and I'll quote him --
3 "was thin." He thought this argument in response to the
4 Notice of Violation was thin, but that he chose not to
5 intervene into this area, choosing to leave the final
6 decision to Mr. Arnold.

7 CHAIRMAN PALLADINO: Now, that's with regard to the
8 NOV; is that right?

9 MR. CHRISTOPHER: That particular aspect ties
10 to the NOV, yes, sir.

11 CHAIRMAN PALLADINO: I want to read two sentences
12 from your synopsis. "This investigation -- the heading is,
13 "Changes made to the task force reports. This investigation
14 determined that in one area the president of GPU" -- and
15 I believe that means Dieckamp -- "did influence the addition
16 of certain information --

17 MR. CHRISTOPHER: I will come to that.

18 CHAIRMAN PALLADINO: -- into the task force report.
19 However, this information does not appear to be either
20 inaccurate or contrary to any of the task force's conclusions."
21 And Mr. Dieckamp is a very important individual, I would
22 like to be clear on that.

23 MR. CHRISTOPHER: That is a topic that I will be
24 addressing very shortly --

25 CHAIRMAN PALLADINO: I'm sorry.

1 MR. CHRISTOPHER: -- I'm sorry, this is a confusing
2 issue to present. I will address that.

3 The only -- the significance of that point we
4 chose to bring to your attention was that Mr. Dieckamp did
5 review that portion of the response. He did formulate an
6 opinion on it, and did choose not to intervene. That is
7 basically why we wanted to highlight that information to you.

8 The second significant area in which changes to the
9 Keaten report were influenced by corporate management is
10 in relation to the status of the PORV, the power operated
11 relief valve. These changes also relate to the response to
12 the NOV.

13 Specifically the report, the same report, the
14 draft dated October 29, 1979 -- just a few days after the
15 issuance of the Notice of Violation, and the Notice of
16 Violation was issued on October 25th -- in that report the
17 Keaten report states -- and I'll quote this to you: "The
18 pressurizer system failure procedure requires that the
19 PORV block valve be closed if the PORV is leaking."

20 "One symptom of a leak was an indicated tail
21 pipe temperature above 130 degrees. The plant operated in
22 violation of this requirement for an extended period prior
23 to the accident." Again, that is a quote from the Keaten
24 report dated October 29, 1979.

25 On October 25, the NRC cited MedEd for not closing

1 he block valve if, among other things, the tail pipe temperatures
2 exceeded the normal 130 degrees.

3 The next draft of the Keaten report after the
4 issuance of the NOV dated November 28, 1979, the statement
5 that the plant was in violation of this requirement was
6 changed to delete the reference to a violation and indicated
7 only that the plant was operating with higher discharge
8 pipe temperatures.

9 And in a subsequent draft in March, 1980 this
10 entire section was ultimately removed from the report.

11 CHAIRMAN PALLADINO: The entire section was removed?

12 MR. CHRISTOPHER: Yes. Yes, sir. It was also in
13 this same report that a reference to leaking pressurizer
14 relief valves producing elevated discharge temperatures was
15 changed to indicate pressurizer safety valves. In other
16 words, removing the indication that the PORV was leaking
17 and that the valve -- the determination had been made to --

18 CHAIRMAN PALLADINO: Was the tail pipe such that
19 the safety valve led into the same tail pipe?

20 MR. CHRISTOPHER: Yes, sir.

21 CHAIRMAN PALLADINO: So, there could have been some
22 uncertainty as to which one it was.

23 MR. CHRISTOPHER: Yes, sir.

24 And the final Keaten report also added a paragraph
25 which paralleled the licensee's position in the response to

1 the NOV by stating that a more detailed investigation had
2 established that the PORV was not leaking and that the --
3 safety valves were.

4 The testimony from the task force members established
5 that the task force changed their conclusion in the report
6 that they had operated in violation of the procedure as a
7 result of information developed by Mr. Wallace who, again,
8 is the manager of the Oysten Creek expanded safety system
9 facility.

10 CHAIRMAN PALLADINO: Was that information wrong
11 that it might have been? Was there any evidence that it
12 could have been or was the safety valve?

13 MR. CHRISTOPHER: Again, I am going to cover that.
14 I am going to try to set the Keaten report aside here and
15 the impact on the report, and then move to those issues.
16 They kind of go around in a circle here.

17 Again, the task force changed their conclusions
18 that they were in violation based on information developed by
19 Mr. Wallace, as a result of his review, Mr. Wallace's review,
20 in preparation of the response to the NOV.

21 Significantly here, the task force did not
22 independently review or attempt to verify Mr. Wallace's
23 findings but merely accepted his findings, which caused them
24 to change their conclusions.

25 The testimony would indicate that Mr. Wallace

1 convinced the task force that the plant staff had made a pre-
2 accident determination that the PORV was not leaking and that
3 the code safeties were. It was based on this information
4 from Mr. Wallace that the task force changed the conclusion
5 in their report that they were in violation in that, had a
6 pre-accident determination in fact been made, that the PORV
7 was not leaking, then they would not have violated that
8 procedure.

9 They did not verify or independently re-check
10 Mr. Wallace's information, accepted that, and based on that
11 changed the conclusion in their report that they were in
12 violation.

13 Mr. Wallace during his testimony has denied
14 repeatedly that he was specifically instructed by Mr. Arnold
15 or anyone else to get these changes specifically incorporated
16 into the report.

17 CHAIRMAN PALLADINO: Is there any evidence that
18 contradicts that?

19 MR. CHRISTOPHER: No, there is not any evidence
20 that contradicts that he specifically directed him to put
21 the information into the report.

22 He was, I think, going through the testimony as I
23 read it, was directed to ensure that he was aware of what
24 the Keaten task force was doing, and was aware of the findings
25 that they were coming out to. But again, he specifically

1 denies that he was being directed to ensure that --

2 MR. RUSSELL: The only testimony was that they
3 ensure that they were consistent with each other. That the
4 response to the NOV and the task force report should say the
5 same thing about the same issues.

6 MR. CHRISTOPHER: And not contradict each other,
7 yes, that's true.

8 In sum, in both of these instances the task force
9 changed the report as a result of Mr. Wallace providing
10 them with different information, Mr. Wallace preparing the
11 response to the Notice of Violation at the direction of
12 Mr. Arnold.

13 None of the task force members testified that they
14 were in any way forced, coerced, compelled -- or compelled
15 to change any of their conclusions. There are various
16 statements of fact, however, they were certainly influenced
17 to change their findings, as is obvious by their testimony,
18 and that that change in their report obviously resulted in
19 a report that was less critical of the licensee.

20 No information or evidence through testimony or
21 documentary evidence was obtained during the investigation
22 that would indicate that Mr. Kuhns, Mr. Clark, and Mr.
23 Hukill were involved then or caused any changes to these
24 particular report findings.

25 Additionally, we did not establish that Mr.

1 Dieckamp had any involvement or influence in causing changes
2 to be made to the Keaten report with regard to the violation
3 of the pressurizer system failure procedure and closure of
4 the block valve.

5 CHAIRMAN PALLADINO: You say he did not?

6 MR. CHRISTOPHER: Did not. The area of your
7 interest, it was established that Mr. Dieckamp did influence
8 the addition versus the deletion, but the addition of
9 information into the task force report which had the effect
10 of highlighting the Davis-Bessie incident and the then GPU
11 perceived the blame associated with B&W as a result of their
12 failure to inform of the event.

13 Based on our review of the information that he
14 supplied and it was added to the task force, we have not
15 been able to determine that that information either changed
16 conclusions in the task force report or was either inaccurate
17 or contrary to any of their other conclusions.

18 CHAIRMAN PALLADINO: So --

19 COMMISSIONER ROBERTS: He was preparing for the
20 law suit.

21 MR. HAYES: Yes, sir.

22 (Laughter)

23 CHAIRMAN PALLADINO: But you say it was not
24 inaccurate information. I'm just trying to understand.

25 MR. RUSSELL: There are two areas. There is the

1 change to add emphasis to the Davis-Bessie event and what
2 the operators were trained to understand with respect to the
3 pressurizer level going up or pressure goes down.

4 There were also changes to reduce the responsibility
5 on the part of GPU from learning from their own past
6 events. So, the changes --

7 CHAIRMAN PALLADINO: You said --

8 MR. RUSSELL: There was an addition, and then there
9 were some changes that tended to reduce the responsibility
10 in other areas.

11 CHAIRMAN PALLADINO: Changes in addition to the
12 addition?

13 MR. RUSSELL: They added information concerning
14 the Davis-Bessie event and they deleted information
15 concerning their ability to evaluate or understand past
16 events as they related to specific events at TMI.

17 So that the end net result was to put more
18 responsibility on the part of the reactor vendor and less
19 responsibility on themselves.

20 COMMISSIONER ROBERTS: -- hang them for that.

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20 CHAIRMAN PALLADINO: I was trying to keep my
21 mind separated from the NOV for the present. But I'm trying
22 to understand, what is it that Dieckamp did that implies
23 wrong-doing? He added some material and, I guess, changed
24 the emphasis so that it would look better at a trial --
25 maybe that wasn't his motive. I don't know what his motive

1 was.

2 (Simultaneous conversation)

3 MR. HAYES: We are not suggesting that Mr. Dieckamp
4 committed an act of wrong-doing. What we are suggesting is
5 and what we are trying to advise the Commission is his part
6 in changes made in the report --good, bad, or indifferent.

7 COMMISSIONER ROBERTS: (Inaudible)

8 MR. HAYES: Herman Dieckamp caused this change in
9 this report which had the effect of bolstering -- this is
10 my personal opinion -- bolstering the corporate position
11 against the vendor.

12 CHAIRMAN PALLADINO: No, I get they imply more
13 than that because you came along and you absolved Kuhns --
14 I forget who else, Hukill, Clark, and you specifically
15 omitted Dieckamp.

16 I asked you about it, and you said, "Oh, well,
17 that's a different matter." So, there is some implication
18 here that I have to question.

19 COMMISSIONER ROBERTS: I thought the differentiation,
20 though, the ones you picked off, Kuhns and Hukill, had no
21 influence --

22 MR. HAYES: On changes of the report.

23 (Simultaneous conversation)

24 MR. CHRISTOPHER: We are only making the assertion
25 that in this one particular area Mr. Dieckamp did influence

1 the report.

2 CHAIRMAN PALLADINO: I think I almost quoted you.
3 "The investigation did not raise questions about Kunns,
4 Clark -- it also did not implicate Mike Ross."

5 So, I got a connotation there that seems to cast
6 some doubt on Dieckamp. But now I'm not sure that there is
7 such doubt.

8 MR. HAYES: Go ahead.

9 CHAIRMAN PALLADINO: Go ahead, sorry.

10 MR. DENTON: Is it clear now?

11 MR. CHRISTOPHER: I think I'm going to try to
12 clarify this. Mr. Hayes' opening statement was that we
13 found no evidence of wrong-doing on Mr. Clark; Mr. Hukill,
14 Mr. Kuhns and Mr. Ross.

15 I think we should have clarified that by adding
16 that the influence on the report -- it was more appropriate
17 that there was no indication that those individuals influenced
18 the report. The distinction is very fine.

19 We are only stating that Mr. Dieckamp -- in this
20 particular area it was established that he did influence
21 the report, and did not make a judgment that he was involved
22 in wrong-doing. That's an erroneous impression we are
23 leaving you with. We are sorry, it is a little confusing --

24 COMMISSIONER ROBERTS: You could have included
25 Dieckamp in that panoply of those who had -- you know, were

1 found any wrong-doing.

2 CHAIRMAN PALLADINO: Well, you cleared up the
3 impression. I'm not trying to pin you on the words. I got
4 an impression that Dieckamp was somehow -- had done something
5 wrong and I wanted to understand what it was.

6 MR. CHRISTOPHER: I think whether or not he
7 influenced the report and whether that is improper, was not
8 a decision for OI to make, and I think that's one of the main
9 reasons we excluded that.

10 MR. HAYES: From corporate integrity and everything
11 else, we just made the information available to NRR and we
12 will let them --

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23 MR. RUSSELL: So that I think the next portion of
24 the discussion which relates to the facts and what they
25 had and what they did with those facts, and how they used

1 them is probably more important. We just happened to get
2 there through the vehicle of follow-up on the changes to the
3 Keaten report.

4 MR. DENTON: There is one other area in which
5 this information is interesting, and that's with regard to
6 a \$4 billion law suit against the government because it goes
7 to who was responsible.

8 COMMISSIONER ASSELSTINE: Right.

9 MR. DENTON: So, this information is of interest
10 if that law suit were to ever come to trial.

11 COMMISSIONER BERNTHAL: But surely, you would not
12 expect a private corporation in a law suit against another
13 private corporation or, for that matter, against the
14 government, to issue a report that damaged its own case.

15 What you do expect --

16 COMMISSIONER ROBERTS: Or to state it in a more
17 positive way, you would reasonably expect a corporation to
18 issue a report that put itself in the most favorable light
19 possible.



24 MR. CHRISTOPHER: Okay, and I'll pass that up and
25 try and establish this background information for you. I'm

1 sorry it took so long.

2 (Laughter)

3 MR. CHRISTOPHER: Again, you are correct, the
4 second area of the investigation focused on whether the
5 licensee's statement in their December 5, 1979 response to the
6 Notice of Violation was contrary to significant internal
7 investigative findings in their possession at the time.

8 On October 25, 1979, the NRC issued the Notice of
9 Violation and civil penalty to Metropolitan Edison based
10 upon the I&E investigation, commonly referred to as
11 NUREG-0600.

12 Specifically relevant to this aspect of the
13 investigation is Section 4.A of the Notice of Violation
14 cited the licensee for failure to comply with an emergency
15 procedure pressurizer system failure.

16 This procedure, as stated earlier, required the
17 PORV block valve to be closed if, among other things, the
18 discharge line temperature exceeded 130 degrees.

19 The response to the NOV was forwarded by the
20 licensee to the NRC on December 5, 1979. Again, the
21 responsibility for the actual preparation, signature of
22 the response, was that of Mr. Arnold. And the testimony is
23 documented that the response was prepared almost in its
24 entirety by Mr. Wallace for Mr. Arnold's signature.

25 There is also information and testimony that the

1 response in its final form was discussed with Mr. Dieckamp
2 in the sense of making sure that he was aware of everything
3 in the response that was being provided.

4 In the licensee response to the citation, to this
5 particular citation, they took the position that they were
6 not in violation of the emergency procedure and that neither
7 the procedure or the history of the PORV discharge line
8 temperatures delayed the operator's recognition that the PORV
9 had stopped open.

10 Recall at this juncture that earlier Keaten task
11 force reports prior to the licensee's receiving the NOV
12 had indicated that they had violated procedures and had
13 indicated that the operators were desensitized by the
14 higher temperatures.

15 The issue of operator desensitization was
16 identified in great detail by the licensee in a technical
17 data report which is a technical investigation, completed by
18 them on October 19, 1979. This particular report which was
19 available to and -- the testimony indicates -- was known to
20 Mr. Wallace clearly set forth information stating that the
21 operators were desensitized by the higher tail pipe
22 temperatures due to previous events, previous transients.

23 CHAIRMAN PALLADINO: Had they ever tried to close
24 the valve, the block valve, at all to determine whether or
25 not the higher temperature was due to the safety valve or --

1 MR. CHRISTOPHER: No, sir.

2 CHAIRMAN PALLADINO: Nobody ever explored the --

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7 MR. CHRISTOPHER: That is actually the second part
8 of --

9 CHAIRMAN PALLADINO: I was trying to draw the
10 conclusion, is it the PORV or the safety valve, but at least
11 close the block valve. That the temperature remains high
12 and maybe ut's a safety valve.

13 MR. RUSSELL: In fact, that's essentially what
14 the pressurizer system failure procedure requires when you
15 have symptoms of leakage from the pressurizer. And there
16 is evidence that indicates that it was a management decision
17 to not close the block valve and not follow that procedure.

18 MR. CHRISTOPHER: At the time of the preparation
19 of the response to the NOV, in the possession of Mr, Wallace
20 who prepared the report, were several statements in the form
21 of testimony by plant operators both to the President's
22 Commission and in a GPU interview of one of the operators
23 immediately, within hours after the accident. I believe
24 it was 6:30, but the following morning which clearly sets
25 forth that the operator had been mislead or fooled by these

1 higher than normal temperatures to believing that the valve
2 was not stuck.

3 At the same time again repeating that the response
4 was prepared, stating that there was no indication that the
5 temperatures delayed the operators' recognition. The GPU
6 technical data report clearly made the statement that based
7 on their investigation they find -- and their interviews
8 of the actual operators -- that the operators were
9 desensitized by the higher than normal tail pipe temperatures.

10 And also through the final report, the final
11 Keaten task force report, the Keaten task-force -- and I
12 will quote -- "The net result was that the temperature
13 readings were interpreted as being caused by the earlier
14 leakage, followed by the momentary opening of the PORV."

15 CHAIRMAN PALLADINO: The wyat?

16 MR. CHRISTOPHER: The momentary opening of the
17 PORV.

18 They very clearly set forth in their report that
19 they felt that the operators had been desensitized by these
20 higher tail pipe temperatures, based on the TDR -- excuse me --
21 the technical data report; based on the operator testimony.
22 And this information was available, the timely response was
23 prepared.

24 That information appears to be in conflict with
25 the finding set forth in the response to Notice of

1 violation, that there is no indication that the operators
2 were desensitized by high tail pipe temperatures.

3 When Mr. Wallace prepared his response to the NOV,
4 he testified that he never questioned any of the operators
5 personally as to this issue, but drew his own interpretation
6 from early interviews after the accident.

7 And he also testified in this investigation that
8 in retrospect there could not be conclusively concluded or
9 determined whether or not those operators were actually
10 desensitized by those temperatures.

11 Mr. Arnold testified that his interpretation --
12 again the interpretation of the operators' testimony -- was
13 consistent with the NOV, although he now agrees in his
14 testimony that the content of the GPU technical data report
15 and the Keaten report indicated a cause-and-effect
16 relationship as to the PORV discharge temperatures and the
17 delayed operator recognition.

18 In fact, during the interview, Mr. Arnold acknowledged
19 that had he been specifically aware of the contents of these
20 documents, it would have caused him to question the accuracy
21 of the response and would at least have caused him to do
22 further investigation and question more individuals prior to
23 actually signing the response to the Notice of Violation.

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CHAIRMAN PALLADINO: Well, I'll see what I'm going to say here. I'll try to say as little as possible, and I'll check it out with Ben before I get there.

Let's see, other questions related to -- there was a question -- I know this is not the Keaten, but nevertheless,

1 I think it relates to what I say in the public.

2 The Park-Gischel, you had raised the question as
3 to whether or not that was releasable. Is that all cleared
4 up so it's releasable?

5 MR. HAYES: Yes. It's my understanding that that
6 report can be released today if the Commission so desires.

7 MR. LEVI: That's the report and not the attachments.

8 MR. HAYES: That's correct. The attachments are
9 voluminous but the report -- in fact, have we got copies
10 of that, Roger?

11 MR. FORTUNA: It came out of repro at nine. It
12 should be done here at H Street by now.

13 CHAIRMAN PALLADINO: Okay. Any other points that
14 we should be talking about at this time on these reports?

15 COMMISSIONER ASSELSTINE: Just two real quick
16 questions. Bill, you mentioned that there was a management
17 decision not to close the block valves to check to see whether
18 the PORV was leaking.

19 Do we know who made that decision, and do we have
20 any idea why?

21 MR. RUSSELL: I recall that we got some tape
22 recordings as a part of the GPU v. B&W law suit records.
23 The transcriptions of those tape recordings are some interviews
24 by the Keaten task force management individuals. One of
25 those recordings is a discussion with Gary Miller and Jim

1 Seelinger, Zewe and others. And in that tape recording Gary
2 Miller, who was the station manager, indicates that it was a
3 management decision to continue operation with what they
4 thought was a leaking power operator relief valve, whether
5 they were right or wrong because they were within the
6 technical specification limits.

7 Keith, do you have the actual statement?

8 MR. CHRISTOPHER: The actual statement, in part,
9 from Mr. Miller is, "Management wise, though we were operating
10 the plant with this valve known to be leaking, not using
11 this procedure," referring to the pressurizer system.

12 In response to a question, electromatic or coat --
13 electromatically coat such valves -- Miller's response was,
14 electromatic.

15 And further question, "We know that was leaking."
16 Miller: "I think we thought it was, whether we were right or
17 wrong." Mr. Seelinger's response, "Because of those 100 and 190
18 degree temperatures?"

19 Miller: "That's right. Let's go on from there."

20 MR. RUSSELL: So, that's the plant manager and the
21 station manager. There is also operators' testimony that
22 indicates it was a management decision not to close the block
23 valve. And there is a significant amount of evidence back and
24 forth as to what the rationale was for not closing it and
25 not following the procedure.

1 There is also some testimony by Joe Logan who was
2 the plant manager. He indicated he wasn't convinced as to
3 which valve was leaking. He wanted to put surface pyrometers
4 on to check temperatures at the next shutdown.

5 But they chose to continue to operate because they
6 were within the technical specification limits of ten gallons
7 per minute for leakage, so that they did not close the block
8 valve. And that was a decision by management.

9 Gary Miller was not interviewed as a part of the
10 investigation to determine whether management above Gary
11 Miller was involved. And I was involved in-part of that.

12 I felt it was more important to get the OI report
13 out for information we needed as it related to the management
14 integrity issue and not a potential enforcement issue because
15 the individuals above Gary Miller were no longer involved.

16 So, from my standpoint that was a moot issue and
17 we did not follow up on some of those enforcement leads.

18 COMMISSIONER ASSELSTINE: Okay.

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22 CHAIRMAN PALLADINO: Any other questions?

23 COMMISSIONER ASSELSTINE: No.

24 CHAIRMAN PALLADINO: Tom, Fred?

25 MR. HAYES: I have one question, Mr. Chairman. This

1 afternoon's session, I presume we will get into the
2 Parks-Gischel intimidation and harassment report -- I don't
3 have my schedule. Is that before we go into the public
4 domain, or not?

5 COMMISSIONER ASSELSTINE: No.

6 COMMISSIONER ROBERTS: The meeting at 2 o'clock is
7 public.

8 CHAIRMAN PALLADINO: Two o'clock is all public,
9 from this point on.

10 MR. HAYES: Fine, sir.

11 CHAIRMAN PALLADINO: That's why I asked the
12 questions. That's why I want to make sure before you leave
13 here that whatever I am going to say in my opening remarks
14 is consistent with what you would like and what you are
15 going to say.

16 MR. HAYES: Fine, sir.

17 CHAIRMAN PALLADINO: Okay, anything more that we
18 need to discuss at this time?

19 Well, thank you very much.

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

21 CHAIRMAN PALLADINO: A very good discussion.
22 Thank you, Bill.

23 We stand adjourned.

24 (Whereupon, at 12:17 p.m., the meeting of the
25 Commission was adjourned.)

1 NUCLEAR REGULATORY COMMISSION

2 This is to certify that the attached proceedings
3 before the Nuclear Regulatory Commission in the matter of:

4 Discussion of incomplete TMI Investigations

5 Date of Proceeding: May 23, 1984

6 Place of Proceeding: Washington, D.C.

7 were held as herein appears and that this is the original
8 transcript thereof for the file of the Commission.

9
10 M. E. Hansen
11 M. E. Hansen, Reporter

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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.

Pages: 1 - 72

Date: Friday, March 23, 1984

8407160219

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Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

- - -

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:

- NUNZIO 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 FOUCHARD

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.

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MR. HAYES: I have not reviewed the case personally.
My staff has advised me of their views on the matter. But
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

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

18 COMMISSIONER BERNTHAL: It sounds like it would be
19 interesting.

20 MR. HAYES: The Keaten investigation. This, by
21 far, is "the" most complex TMI investigation that we have
22 undertaken. Currently, about a third of our investigative
23 report has been written. I cannot have this report to you
24 in April, as I had hoped. I am projecting a report to you in
25 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

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

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

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 ~~ah~~ 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

1
2 This is to certify that the attached proceedings before the
3 NRC COMMISSION

4 In the Matter of: Discussion of Pending Investigations-TMI

5 Date of Proceeding: 23 March 1984

6 Place of Proceeding: Washington, D. C.

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

9
10 Elizabeth Hansen
11 Official Reporter - Typed

12 *Elizabeth Hansen*
13 Official Reporter - Signature
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