



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

January 18, 1984

OFFICE OF THE
 COMMISSIONER

MEMORANDUM FOR: Chairman Palladino
 Commissioner Gilinsky
 Commissioner Roberts
 Commissioner Bernthal

FROM: James K. Asselstine *SKA/PD*

SUBJECT: FURTHER STEPS IN TMI-1 RESTART PROCEEDING

It did not appear at yesterday's meeting that a majority of the Commission was prepared to proceed with a TMI-1 restart decision that would approve operation of the plant based upon the GPU and staff proposal before completion of the criminal trial. However, it appeared that there was a majority in favor of proceeding to a decision authorizing restart prior to the completion of the criminal trial, if certain other conditions were met--i.e., if there were more substantial changes in the GPU organization than those proposed by GPU and the staff, including the removal of Bill Kühns and Herman Diekamp and the "quarantine" of Ross, Zewe, Frederick, Mehler and perhaps other TMI-1 supervisory personnel who could be involved in the TMI-2 leak rate falsification matter.

If this is the case, I suggest that we proceed on a somewhat different course than that proposed in the Chairman's January 12, 1984 memorandum, which assumed majority support for the GPU proposal. It does not seem appropriate to spend the next few months developing a formal restart decision until we have a proposal from GPU that is likely to prove acceptable to a majority of the Commission. At the same time, we have an obligation to the parties to outline what we believe would be an acceptable basis for making an early restart decision without awaiting the completion of the criminal trial or some of the other integrity issues being investigated by OI.

Therefore, I would suggest that we develop a notice to the parties that would: (1) state that a majority of the Commission is not prepared to agree to the GPU and staff proposal and set forth the basis for the Commission's rejection of the proposal; and (2) outline the conditions that must be met in any future GPU proposal to obtain favorable action by a majority of the Commission. I would think it possible to develop such a notice to the parties within the next few weeks, and we would then know whether GPU is prepared to submit a revised proposal. Once we have a revised proposal from GPU, we can proceed with work on a Commission restart decision. In the meantime, we can proceed with review of ALAB-729.

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