

July 6, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of )  
METROPOLITAN EDISON COMPANY ) Docket No. 50-289  
(Three Mile Island Nuclear ) (Restart)  
Station, Unit No. 1) )

STIPULATION OF WITHDRAWAL

This Stipulation is entered into this 6th day of July, 1983, by and between GPU Nuclear Corporation ("Licensee") and the Commonwealth of Pennsylvania ("Commonwealth").

WHEREAS, on August 20, 1982 the Commonwealth filed four exceptions to the Atomic Safety and Licensing Board's ("ASLB") Partial Initial Decision of July 27, 1982, and briefed these exceptions on September 20, 1982; and

WHEREAS, Licensee opposed the Commonwealth's exceptions; and,

WHEREAS, the Commonwealth moved to withdraw as moot a portion of its exceptions by Motion of December 13, 1982; and,

WHEREAS, in the interest of reaching an amicable resolution of the remaining differences acceptable to both parties, consistent with the policy of the Nuclear Regulatory Commission favoring settlement, Licensee and the Commonwealth have negotiated a settlement of these remaining differences, the terms of which are set forth in this Stipulation of Withdrawal.



NOW, THEREFORE, Licensee and the Commonwealth, each intending to be legally bound hereby, agree and stipulate as follows:

1. Now and at any time in the future Licensee will not utilize anyone to operate TMI-1 who was found by the ASLB to have cheated on an NRC-administered licensing exam or on a Licensee-administered training exam (Mr. H).

2. Now and at any time in the future Licensee will not utilize Mr. DD (whose attitude was criticized by the ASLB) to operate TMI-1 or to train operating license holders or trainees.

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3. Licensee will direct that the ASLB-mandated training audit specifically evaluate Mr. DD's performance and attitudes as an instructor and Licensee will comply with the findings in a timely and appropriate manner, but in no event would Mr. DD be utilized for any function specified in paragraph 2, above. Prior to the audit Licensee will continue to monitor Mr. DD's performance and assign work consistent with that performance.

4. Concurrent with the filing of this Stipulation of Withdrawal with the Appeal Board, the Commonwealth shall withdraw its remaining three exceptions thereby withdrawing in its entirety the Commonwealth's appeal currently pending before the Appeal Board.

5. The Commonwealth's withdrawal of its appeal in this proceeding shall not be construed as a waiver by the Commonwealth



of its right to take any action otherwise available at law or in equity to enforce the provisions of this Stipulation at any time in the future, in accordance with the laws of the Commonwealth of Pennsylvania and the United States of America.

6. This Stipulation of Withdrawal shall not be construed as a resolution of any other outstanding issues in this proceeding not specifically set forth herein.

IN WITNESS WHEREOF, the parties have executed this Stipulation by their counsel of record in this proceeding this 6th day of July, 1983.

For Licensee,  
GPU NUCLEAR CORPORATION

Ernest L. Blake, Jr.  
Ernest L. Blake, Jr., Esq.  
Counsel for Licensee

FOR THE COMMONWEALTH  
OF PENNSYLVANIA

Douglas R. Blazey / rnu  
Douglas R. Blazey, Esq.  
Chief Counsel, Department of  
Environmental Resources  
Commonwealth of Pennsylvania

DATED: July 6, 1983