



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

PDR

MAY 17 1985

MEMORANDUM FOR: Carlton C. Kammerer, Director
Office of Congressional Affairs

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: RESPONSE TO THE UDALL SUBCOMMITTEE STAFF REQUEST
FOR CLARIFICATION OF A STATEMENT MADE BY B. SNYDER
AT A COMMISSION MEETING

Henry Myers from the Udall Subcommittee has requested (Enclosure 1) clarification of a statement made by Dr. B. Snyder, Director, Three Mile Island Program Office (TMIPO), at the March 7, 1985 NRC Commission Meeting with the Advisory Panel for the Decontamination of Three Mile Island Nuclear Station Unit 2. This memorandum provides clarification on this subject.

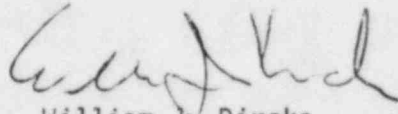
At the March 7, 1985 Commission Meeting, Dr. Snyder stated [Tr., p. 70] "You are talking about two OI reports. One in September of '83, that was out. The one that caused us to change our views on this was new information provided by OI in October of '84." Dr. Snyder was referring, in part, to an OI memorandum dated October 18, 1984 (Enclosure 2).

The position of Dr. Myers, as stated in Enclosure 1 is that the October 18, 1984 memorandum did not contain "new information" in the context of "new" referring to investigatory information, facts, or evidence that has been obtained by OI since completion of its 1983 inquiry. This is the staff's and OI's position as well. The October 18, 1984 memorandum provided the staff an analysis of the evidence presented or referred to in the September 1, 1983 report as it reflects on the willfulness and intent issue. Although discussions had previously taken place between OI and the staff on this subject, no written analysis or conclusion had been provided to the staff prior to the October 18, memorandum that explicitly addressed the issue of willfulness and intent. In Dr. Snyder's view, he "did not mean to imply that there was new investigatory information rather that there was a written analysis and conclusion that was new."

Dr. Myers memorandum also states that the October 18, 1984 memorandum from OI appears to be a reiteration of OI's 1983 conclusions based on evidence obtained in OI's 1983 inquiry. The September 1, 1983 OI report did not reach explicit conclusions on the issue of willfulness and intent and did not provide the analysis that was contained in the October 18, 1984 memorandum. At the time the investigative report was issued, OI practice excluded the reaching of conclusions on willfulness and intent that were ultimately forwarded to the staff in the October 18, 1984 memorandum.

The EDO's September 26, 1984 memorandum to OI (Enclosure 3), requested OI's "view on the issues of deliberateness, willfulness and/or intent and supporting documents." After OI presented its written views, the staff reviewed the information and changed its previous position.

OI agrees with the above description of its September 1, 1983 report and October 18, 1984 memorandum.



William J. Dircks
Executive Director for Operations

Enclosures:

1. Page 70 of Transcript of 3/7/85
Commission Meeting with Advisory Panel
for the Decontamination of TMI-2
2. Memo to Dircks fm Hayes dated
10/18/84
3. Memo to Hayes fm Dircks dated
9/26/84

MARCH 7, 1985
T.M.J. Adversity Fund

1 MR. ROTH: Well, the only thing -- well, certainly
2 Bernie and I have discussed it. I think the question, you
3 know, with the enforcement angle saying that because it's
4 enforcement -- again it's my opinion, I'm not sure that's
5 really a valid thing because OI was saying that all along.

6 COMMISSIONER ASSELSTINE: That's right.

7 MR. ROTH: OI was saying that.

8 COMMISSIONER ASSELSTINE: And we still haven't taken
9 enforcement action.

10 MR. ROTH: Right.

11 COMMISSIONER ASSELSTINE: And it's widely known now,
12 that's right.

13 MR. ROTH: And it's widely known. So, you have a
14 public OI report that's out there. You know my point,
15 Commissioner Zech, is that it's already out there. And to
16 say that an enforcement action --

17 MR. SNYDER: Excuse me, that report that was part
18 of the package we held up was not out there. You are talking
19 about two OI reports. One in September of '83, that was out.
20 The one that caused us to change our views on this was new
21 information provided by OI in October of '84. And that's the
22 one that was not out, and we were specifically instructed
23 not to release it.

24 CHAIRMAN PALLADINO: Well, let's see if we can get
25 to the bottom of it. You brought the problem to our attention