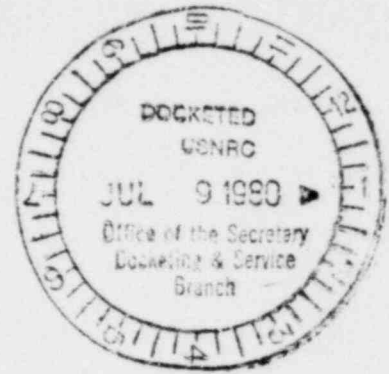


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little



In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289 SP
(Restart)

MEMORANDUM ON PANE'S REQUEST
FOR BOARD GUIDANCE

(July 9, 1980)

On June 23, 1980 the board implemented a schedule for general prehearing activities which, inter alia, concludes discovery and requires the filing of written testimony, proposed exhibits, outlines and cross-examination plans. The schedule sets into action a series of events which will lead to the beginning of the evidentiary hearing no later than October 1, 1980, possibly earlier.

Intervenor, People Against Nuclear Energy (PANE), has only psychological stress contentions. PANE is concerned that, because the question of whether or not psychological stress will be an issue in the proceeding is still pending before the Commission, it cannot timely prepare for hearing. In its filing of June 30, 1980 PANE seeks the board's guidance on what it perceives to be a potential conflict between the board's schedule and the fact that the question is still pending before the Commission.

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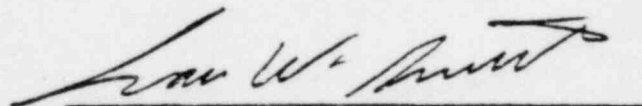
It seems that PANE has in large degree analyzed the situation correctly, and in so doing, it has provided its own guidance. Psychological stress issues can, as PANE observes, be added to the end of the hearing. PANE is correct in not assuming that the Commission will authorize litigation of its contentions, and PANE prudently has been preparing for hearing "while not wasting its absolutely minimal resources". We have little to add except to encourage PANE and other intervenors to continue to prepare its case on psychological stress where that can be done without risking undue waste, and where it is possible under the voluntary system of discovery encouraged by the board in our earlier orders on the subject.

Our memorandum and order of June 23, implementing the prehearing schedule, was not intended to include the prehearing activities required for psychological stress issues. Intervenors will not be required to file written direct testimony or proposed exhibits on psychological stress issues until further order of the board. Cross-examination plans, of course, will not be possible until direct testimony is filed. When and if the Commission authorizes the litigation of psychological stress contentions, the board will separately provide for prehearing events roughly equivalent to the actions required in the general schedule.

PANE also reports that it cannot have its direct testimony on psychological stress prepared until the end of October and seems to be requesting assurances from the board that this will

be timely. PANE's comment was not cast in the form of a motion, and while it discussed its preparation problem at the prehearing conference (Tr. 1898), other parties did not respond. Moreover, the board has nothing before it to indicate whether PANE's preparation schedule reflects diligence, even though it appears that PANE, by persistently raising its preparation problem in early stages of the proceeding, has been diligent. Therefore we are unable to rule whether filing of PANE's direct testimony by the end of October will be timely. However, PANE may be assured that when and if the board establishes a schedule for litigating psychological stress, we will be very attentive to the problems presented by the continuing uncertainty. For the present, it would not appear that, if PANE has its testimony prepared by the end of October, the proceeding would be delayed by that timing.

THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Bethesda, Maryland

July 9, 1980