

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

'82 OCT -6 P1:04

COMMISSIONERS:

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**SERVED OCT 6 1982**

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

Docket No. 50-289 SP  
(Restart)

ORDER

The Commission intends to decide by December 10, 1982 whether to lift the immediate effectiveness of the July 2, 1979 and August 9, 1979 Orders directing that the Three Mile Island Nuclear Station, Unit 1 (TMI-1) remain in a cold shutdown condition until further order. See CLI-79-8, 10 NRC 141.<sup>1/</sup> The Commission has decided that prior to making

1/ Even if the Commission's decision is to lift effectiveness, however, the Order will not authorize restart of TMI-1 because issues beyond the scope of the earlier shutdown orders, such as the steam generator tube leaks, will still have to be resolved. The Commission will also have to give the District of Columbia Circuit Court of Appeals notice if it intends to make a "final decision regarding the restart of TMI-1 prior to complying with its obligations under NEPA." People Against Nuclear Energy v. NRC, 678 F.2d 222, 236 (1982).

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this decision it will hear oral presentations from the parties on the Licensing Board's July 27, 1982 Partial Initial Decision (PID) on cheating and on the Licensing Board's December 14, 1981 PID on hardware/design issues, the separation of Units 1 and 2, and emergency planning. The Commission has also decided to hold a public meeting on the restart of TMI-1 in order to hear the views of interested citizens who are not parties to this proceeding.

The Commission will hold both hearings on Tuesday, November 9, 1982 in the Harrisburg, Pennsylvania area at a site to be announced in the future. The Commission will hear presentations from the parties to the TMI-1 Restart proceeding from 3:00 - 5:00 p.m. At issue will be the sufficiency of the Licensing Board's December 14, 1981 and July 27, 1982 PIDs in resolving the concerns that led to the shutdown orders. Each party should provide the Commission by October 20, 1982 with the name of the person(s) who will present oral argument on its behalf. Thereafter, the Commission will issue an order allocating time among the parties.

The public meeting will be held from 7:30 - 10:00 p.m. Individuals or organizations will be allotted three minutes each to make statements in the nature of limited appearances, with no single individual or organization (by virtue of another yielding) speaking for more than six minutes. The Commission will not entertain questions from

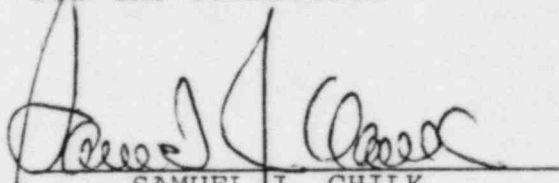
the speakers because the purpose of this meeting is to allow the Commission to hear the views of interested speakers. Individuals wishing to speak at this meeting must sign up in advance. The Commission hopes to have a neutral organization assist it in setting up this meeting, including handling the sign-up of speakers. The Commission also intends for a balance of viewpoints to be presented at this meeting. The parties to the TMI-1 restart proceeding are invited to submit written comments to the Commission on the matters raised by the public in the evening session. Those comments must be received by the Commission by November 30, 1982.

Further details, including the name of the coordinating organization, the sign-up procedure for individuals wishing to speak, and the place where the meeting will be held, will be announced when they are made final.

It is so ORDERED.



For the Commission

  
 SAMUEL J. CHILK  
 Secretary of the Commission

Dated at Washington, D.C.

this 6<sup>th</sup> day of October, 1982.