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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Ivan W. Smith, Chairman
Sheldon J. Wolfe, Alternate Chairman
Gustave A. Linenberger, Jr.

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SERVED JUN 21 1984

In the Matter of)	Docket No. 50-289-SP
)	ASLBP 79-429-09-SP
METROPOLITAN EDISON COMPANY)	(Restart Remand on
)	Management)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	June 20, 1984

MEMORANDUM AND ORDER DENYING LICENSEE'S
REQUEST FOR DELAY IN PREHEARING CONFERENCE

The Licensing Board has scheduled for June 28, 1984 a prehearing conference on the remanded issues directed by the Appeal Board's decision in ALAB-772, 19 NRC _____, May 24, 1984. On June 12 Licensee requested a delay in the scheduled conference on the grounds that it is seeking a review and stay of ALAB-772 insofar as that decision has remanded matters to this Board.

Intervenors Union of Concerned Scientists (UCS) and TMI Alert (TMIA) each oppose the request for a delay in part on the grounds that they have an interest in an undelayed resolution of the remanded issues.¹

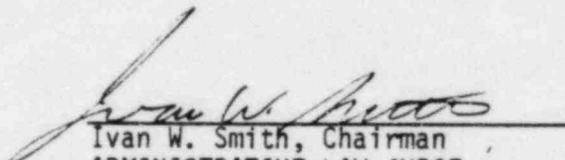
¹ The Board provided an opportunity to UCS, TMIA and the Aamodt's to answer the request for delay by telephone or in writing before the close of business June 19, 1984. Panel personnel accepted their telephoned responses. Transcribed notes of their responses are attached.

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Normally we would be inclined to grant Licensee's request for a delay, recognizing that it will carry the greater burden of any ultimate delay. But the pendency of a stay application alone is not a sufficient reason to toll the remanded proceeding. A prehearing conference now can be useful to the Board and parties. The individual Board members may not be able to find time from other assignments to schedule another prehearing conference in the several months ahead. Even though Licensee's application for a stay of the remanded proceeding is pending before the Commission, the risk of a wasted prehearing conference is preferable to the risk of a substantial delay in the ultimate resolution of the remanded issues. Accordingly, Licensee's request for a delay is denied.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

June 20, 1984

June 14, 1984, taken over phone by Doris Moran.

UCS views:

"Fundamentally it is that this thing has been delayed enough that it should go forward and it seems to me at least conceivable that because the restart vote has been pushed beyond June (the UCS show cause petition which is included in the Commission's schedule as requiring resolution prior to restart won't even be resolved at the Staff level until sometime in July) and also the deadline for responding to the Commission's last order on management issues has been delayed until July 6.

- that it seems we could show some forward motion on this remand before a restart vote

- and of course it is our position that management competency must be resolved before restart."

Ellyn R. Weiss

Aamodt's views:

"Do not oppose the delay."

Marjorie M. Aamodt

JUDGE SMITH

Taken over phone at 12:50 pm on 6/19/84 by Carol Gomez.

Position of TMI ALERT

Position is that these critical safety issues which must be resolved before restart and that we believe that we are justified from a legal standpoint in that view and particularly in light of the steam generator license amendment on which hearings will not begin until July 16.

We believe that there is no legal justification for the Commission to grant the licensee a stay of the Appeal Board decision and that we would like these issues resolved as soon as possible.

Our experience in this proceeding has been that new issues are constantly developing and that each time a delay is created in the process it has resulted in even greater unexpected delays in resolution of the issues.

That continuing delays have had a very disturbing affect on people in the Harrisburg area who have yet to see these issues resolved.

Joanne Doroshow