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

) Docket No. 50-289-SP
) ASLBP 79-429-09-SP
) (Restart Remand on
) Management
)
) July 13, 1984

MEMORANDUM AND ORDER ON LEAD INTERVENORS

The Intervenor agreed to report to the Board by July 11, 1984 their proposed arrangement for the assignment of lead intervenors. Since other parties do not have equal standing to participate in the allocation of intervenors' responsibilities, the Board authorized an ex parte telephoned report of Intervenor's proposal to the extent that it would be "a simple listing of intervenors." Tr. 27,309.

As it turned out, the report made on behalf of TMIA, UCS and the Amodts by counsel for UCS was more than a simple listing of lead intervenors' responsibilities as is evident below.

Intervenor state that, by accepting a lead intervenor arrangement, no intervenor waives its right to pursue its separate interests where the lead intervenor does not fully represent the others. This reservation is consistent with the practice followed throughout this proceeding. Intervenor are required to consult regarding their interests

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with the lead intervenor but they may seek leave of the Board to proceed separately if good-faith efforts to consolidate presentations fail.

No change in service, including service of discovery papers, is contemplated because of the assignment of lead intervenors.

The Aamodts have no lead responsibilities.

TMIA will serve as the lead intervenor on the TMI-1-leak-rate issue and the Dieckamp mailgram issue.

With respect to training issues, Intervenors proposed that:^{*}

UCS will be lead intervenor on the following issues:

- (1) Are the operators equipped to safely operate the plant particularly in emergency situations?
- (2) Do the NRC and Company examinations reliably measure the operators' ability to safely operate the plant?

TMIA will be lead intervenor on the following:

- (1) Has GPU properly responded to the problems in its training program identified internally and/or by the Special Master, the Licensing Board and the Appeal Board?
- (2) Are the people responsible for the management and implementation of the training program properly equipped by their own experience and attitude to impart the information and values necessary for safe operation of TMI-1?
- (3) Do the operators have the appropriate attitude toward the training program; do they believe it is effective?
- (4) How does the history of GPU's problems with training and its current training program reflect on the competence and integrity of GPU management?

* Oral report from Eilyn Weiss, Esq., transcribed verbatim by Doris M. Moran, July 11, 1984.

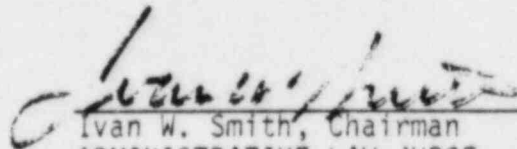
Within the bounds of the training issue established in our July 9 Memorandum and Order Following Prehearing Conference, UCS' proposed role appears to be appropriate. In any event, to the extent that the remanded proceeding on training incorporates questions of operator practices and procedures, UCS' lead in that phase is approved.

At the time of Intervenor's July 11 report, the Board's July 9 Memorandum and Order had not yet been received. Perhaps as a consequence of not having our rulings on the scope of the remanded hearing in hand, the proposal for TMIA's lead suggests that Intervenor might seek a litigation on matters that are res judicata and not covered in the ALAB-772 remand order. For example, it is not apparent to the Board where in the remand order we are permitted to trace problems with the training program to questions of management competence and integrity as proposed in item No. 4 above. However, since the Intervenor's July 11 notification was for the purpose of identifying lead responsibilities, not to argue anew the scope of the proceeding, we make no ruling with respect to whether the proposal for TMIA's lead accurately reflects ALAB-772 and our July 9 order. We will simply approve TMIA's lead on the training issue to the extent that ALAB-772 and our July 9 order authorizes an inquiry into cheating and integrity as it relates to training.

Since there has not been an opportunity for the parties to express their views on the matters discussed in this order, the Board will entertain party comments within ten days following its service.

However, the Board does not, by this order, invite a reconsideration of its July 9 Memorandum and Order Following Prehearing Conference.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

July 13, 1984