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Staff 7/26/84

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-289 SP
(Restart Remand on Management)

NRC STAFF'S COMMENTS ON MEMORANDUM
AND ORDER ON LEAD INTERVENORS

I. INTRODUCTION

On July 13, 1984, the Licensing Board issued a Memorandum and Order on Lead Intervenors (Memorandum). The Memorandum reported the substance of a telephone call to the Board on behalf of the intervenors for the purpose of identifying lead intervenors on the remanded issues. The Licensing Board granted the parties an opportunity to submit comments on the Memorandum. The Staff provides the following comments.

II. DISCUSSION

The Staff has no objection to the lead intervenors on the issues and items as identified in the Memorandum. However, the Staff does wish to emphasize the Board's ruling that the assignment of the lead intervenors on the issues and items noted in the Memorandum does not expand the scope of the proceeding as defined by the Appeal Board's remand order (ALAB-772) and the Licensing Board's July 9, 1984 Memorandum and Order Following Prehearing Conference (Prehearing

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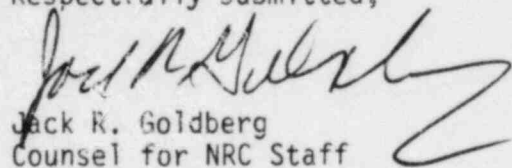
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Conference Order). Memorandum at 3. In particular, the Staff notes the Board's ruling that "the NRC operators' license examination issue . . . is res judicata." Prehearing Conference Order at 6. Therefore, the assignment of UCS as lead intervenor on training issue (2) ("Do the NRC and company examinations reliably measure the operators' ability to safely operate the plant?") must be understood, insofar as the NRC examination is concerned, to be limited to the reliance by Licensee's consultants on the NRC examination as a measure of operator competence. This limitation is in accord with the Board's prior ruling on this point. See Prehearing Conference Order at 6.

III. CONCLUSION

The Staff has no objection to the assignment of lead intervenors as described in the Board's Memorandum provided that the issue of the NRC examination is limited as previously ruled by the Board in its Prehearing Conference Order.

Respectfully submitted,


Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 26th day of July, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S COMMENTS ON MEMORANDUM AND ORDER ON LEAD INTERVENORS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 26th day of July, 1984:

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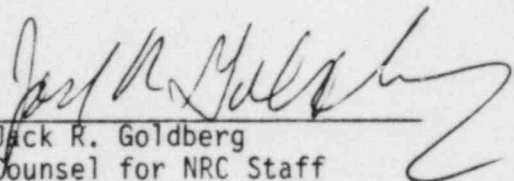
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