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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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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	)	Docket No. 50-289-SP
METROPOLITAN EDISON COMPANY	)	(ASLBP 79-429-09-SP)
(Three Mile Island Nuclear Station, Unit No. 1)	)	(Restart Remand on Management)
	)	September 19, 1984

MEMORANDUM AND ORDER FOLLOWING PREHEARING CONFERENCE

On September 17, 1984 the Board and parties met in a prehearing conference to resolve pending discovery disputes, to consider motions to change the prehearing schedules, and to provide for further procedures in the leak rate issues as a consequence of the Commission's orders in CLI-84-17 and CLI-84-18 (September 11, 1984).

The transcript of the conference will constitute the memorandum of the Board's rulings on the various discovery disputes and requests.

Discovery on the Dieckamp-mailgram issue is extended to October 15.

Discovery on the training issue is extended to October 29.

Written direct testimony of all parties on the Dieckamp-mailgram issue is due November 1.

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Licensee's written direct testimony on the training issue is due November 1.

Other parties shall file their training-issue testimony by November 13.

Hearings will commence about November 15.

Scheduling on the leak-rate issue is deferred, but parties should participate in informal voluntary discovery without delay.

In extending the discovery period on the Dieckamp-mailgram issue from September 30 to October 15, the Board is making an appropriate adjustment to compensate for extra time needed by the Licensee to respond to discovery requests of TMIA. Our refusal to grant the additional time requested by TMIA is primarily a reavowal of our earlier determination that this relatively simple issue may not be expanded as far as TMIA would take it.

We are granting most of the time requested by UCS for discovery on the training issue. This is in recognition that the training issue is relatively complex and that UCS has been engaged in a thorough and apparently appropriate discovery program. Not all of the extra time provided for discovery on the training issue will result in a delay in the proceeding. Because of the nature of the training issue, the evidentiary presentation will be shaped largely by Licensee's affirmative case, and with Licensee's consent, we are holding it to a tighter preparation schedule. The prepared testimony will come in at about the rate that the Board can absorb it in preparing for the

hearing. The net result is about 15 days postponement of the hearing date.

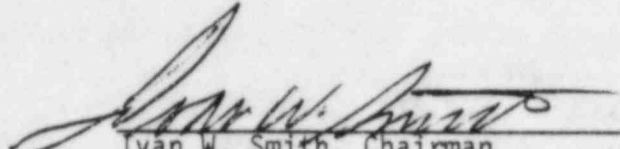
In not now setting a schedule on the leak-rate issues, we have tentatively accepted the general concept of Licensee's recommendation that formal discovery begin on leak-rate issues immediately following the proposed findings on the other two issues. Our intention is to schedule the leak-rate issues as early as possible to occupy the full capacity of the Board to manage the proceeding and simultaneously to permit the parties an opportunity to prepare. Formal discovery on the leak-rate issue will proceed while the Board prepares its initial decision on the other two issues.

In lifting its stay of the leak-rate remand in CLI-84-17, the Commission stated that "For purposes of a stay of hearings, the Commission sees no reason to treat the leak rate practices issues differently from the other remanded issues." Slip opinion at 8.

We do not read CLI-17, nor the companion order in CLI-18 to contain any direction to the Board concerning its scheduling priorities. However the tenor of those orders may be read so as to require us to treat all issues alike pending the Commission's determination as to which, if any, of them are heard. Therefore our reasoning in assigning a later hearing priority to the leak-rate issues should be explained. First, there has been lead time on the first two issues and the parties will be prepared for hearing earlier. Second, the Licensee has an investigation pending into the leak-rate matters and the Commission continues to consider the future role of the Office of Investigations

into that aspect of the proceeding. Therefore a deferral may provide for more complete information. In addition, in the event the Commission decides to direct the continuation of the hearings remanded by ALAB-738 and ALAB-772, an early decision on the training issue will have greater immediate relevance to any short term operation of TMI-1.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



Ivan W. Smith, Chairman  
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

September 19, 1984