

J. Murley, RI

September 20, 1983

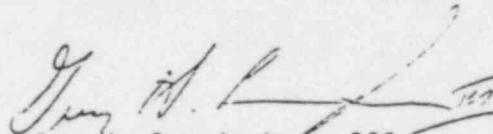
Note to: Ben B. Hayes, Director
Office of Investigations

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

From: Guy H. Cunningham, III
Executive Legal Director

SUBJECT: TMI-1 RESTART HEARING ON HARTMAN ALLEGATIONS

By Memorandum and Order dated September 14, 1983 (attached), the Licensing Board scheduled a prehearing conference for the reopened hearing on the Hartman allegations for October 18, 1983, in Harrisburg, PA. In addition, the Licensing Board directed the parties to submit, no later than October 10, 1983, their views on six matters identified in the Order. My staff is available to discuss with you or your staffs our responses to the six items and will be in contact shortly.


Guy H. Cunningham, III
Executive Legal Director

Attachment: As stated

cc w/ attachment: Hugh Thompson
Jim Van Vliet

cc: T. Martin ✓
R. Starostecki
J. Gutierrez
R. Keimig
TEM-9/30/83

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PDR ADOCK 05000289
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UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON COMPANY

(Three Mile Island Nuclear
 Station, Unit No. 1)

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Docket No. 50-289
 (Restart)

ASLBP 79-429-09

September 14, 1983

MEMORANDUM AND ORDER

In an August 31, 1983 memorandum and order, the Appeal Board for the management phase of this proceeding remanded the so-called "leak rate data" or "Hartman allegations" matter to the Licensing Board for further hearing. ALAB-738, 18 NRC ____ (Slip op. at 25, 41). The Licensing Board, by this order, sets a prehearing conference on the remanded matter and directs preliminary indications by the parties concerning their participation and the definition of issues.

1. Each intervenor and each government agency previously permitted to participate pursuant to 10 CFR 2.715(c) shall inform the Board concerning the nature and extent of its expected participation in the remanded hearing.

2. In ALAB-738, the Appeal Board described the background and significance of the remanded matter. Consistent with ALAB-738, each party may define its view of the scope of the hearing on remand and propose the language of the broad issue to be considered on remand.

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3. The Licensing Board was particularly directed to several substantive subissues and several evidentiary considerations to be addressed on remand. Slip op. at 26-27. Each party shall recommend to the Board any additional subissues and evidentiary considerations it wishes litigated within the scope of the remanded broad issue.

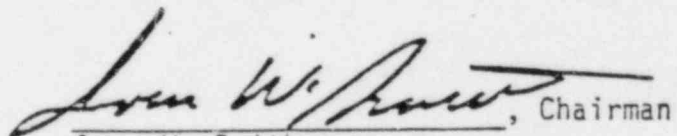
4. Each party shall briefly indicate in general its anticipated discovery requests.

5. The NRC Staff reporting to the Executive Director for Operations shall state when it prefers to go to hearing and when it is able to go to hearing.

6. The Office of Investigations is requested to advise the Board whether it plans to participate and to inform the Board concerning the earliest time that it can provide relevant information.

All the parties and government entities who plan to participate in the remanded hearing shall inform the Board as directed above by service no later than October 10, 1983. All participants or their counsel are directed to appear at a prehearing conference beginning at 9:00 a.m. on October 18, 1983 at Harristown Building No. 2, Heritage Room A, 333 Market Street, Harrisburg, Pennsylvania 17108.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland
September 14, 1983