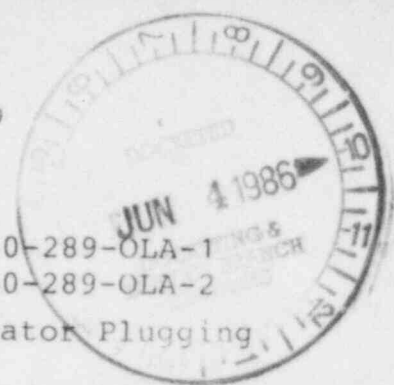


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
GPU NUCLEAR CORPORATION, et al.) Docket No. 50-289-OLA-1
) 50-289-OLA-2
(Three Mile Island Nuclear Station,) (Steam Generator Plugging
Unit No. 1)) Criteria)



TMIA's RESPONSE TO LICENSEE'S
MOTION FOR RECONSIDERATION OF
MAY 19, 1986, MEMROANDUM AND ORDER

I. Introduction

On May 23, 1986, General Public Utilities Nuclear (Licensee) filed a motion requesting "reconsideratioin of portions of the discovery and hearing schedule" and for "reconsideration of certain aspects of the Board's rulings with respect to TMIA's opportunity for additional hearings." For the reasons stated below, TMIA opposes Licensee's motion for reconsideration.

A party moving for reconsideration of a Board Order bears a heavy burden of demonstrating that the Board erroneously decided the issues before it. In the alternative, a motion for reconsideration of a Board Order must present significant new evidence which would controvert the evidence already before the Board and upon which the Board based its decision. Licensee has not met that burden.

II. Hearing Schedule

At the May 7, 1986 conference Licensee proposed a July 1, 1986 date for the start of discovery. In its May 23, 1986 motion, Licensee has modified its position slightly and now requests that discovery commence on July 7, 1986. Licensee refers to this modification as

8606070369 860602
PDR ADOCK 05000289
G PDR

DS03

"splitting the difference" between the schedule established by the Board's May 19, 1986 Memorandum and Order and Licensee's initial proposal of July 1, 1986. Licensee has presented no new facts which would justify reconsideration of the Board's Order. Licensee has simply repeated the arguments it made during the May 7, 1986 conference.¹

III. Additional Hearings

In its May 19, 1986 Order, the Board recognized the importance of the results of the confirmatory testing, scheduled to commence in November 1986, to a fair decision of the issues before it. That recognition prompted the Board's ruling that, "within ten days after service of the Staff's Supplement to the SER, TMIA may file a notice requesting an additional hearing" (Memorandum and Order dated May 19, 1986, P.11.) The Board further ordered Licensee to provide the relevant test data to TMIA in a timely fashion.

Licensee now asks that the time in which TMIA may request additional hearing run from the provision of test data and not from the service of the Supplement to the SER. Although Licensee has not committed in advance what form its provision of data will take, TMIA has anticipated that the data will be provided in serial form, as the various tests are completed. The significance of the issues require an adequate analysis of all the data, which is expected to be technical, complex and possibly inconclusive. TMIA cannot form an opinion as to the significance of

1. At the May 7, 1986 conference, TMIA explained that the earliest time at which its representative would be free of her responsibilities in another NRC hearing (Husted) would be August 15, 1986. This date did not anticipate TMIA's participation in the appeal process in that other hearing nor slippage of that hearing schedule. Since the May 7 conference, the hearing dates have been extended for at least several days at the request of a party other than TMIA. At this time, TMIA does not anticipate requesting additional time from this Board in which to complete discovery. However, should the Husted hearing be further delayed, it will definitely impact TMIA's ability to adequately prepare for the instant hearing.

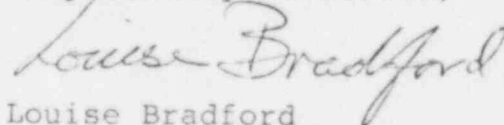
the test results until all pertinent data is available and the Staff's SSER is submitted. TMIA believes that the ten days allowed for in the Board's May 19, 1986 Order is minimally adequate for it to determine whether it should seek additional hearings based on the test data and the SSER.

Any prejudice which might issue from the Board's Order results from the Staff's inability to evaluate the data and issue its SSER before January 1987. TMIA is not responsible for nor can it control the schedule of the issuance of test data. The Board has termed the test results as "relevant and material to the very issues being controverted in this proceeding." (Memorandum and Order, Pg. 8.)

IV. Conclusion

For the above stated reasons, Licensee's Motion for Reconsideration of May 19, 1986 Memorandum and Order should be denied.

Respectfully submitted,

A handwritten signature in cursive script that reads "Louise Bradford".

Louise Bradford
for Three Mile Island Alert, Inc.

June 2, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board Panel,

In the Matter of	}	
GPU NUCLEAR CORPORATION, <u>et al.</u>	}	Docket No. 50-289-OLA-1
	}	50-289-OLA-2
(Three Mile Island Nuclear	}	(Steam Generator Plugging
Station, Unit No. 1)	}	Criteria)
	}	

CERTIFICATE OF SERVICE

I hereby certify that copies of "TMIA's RESPONSE TO LICENSEE's Motion for Reconsideration of May 19, 1986, Memorandum and Order" was served on the persons listed by deposit in the United States mail, postage prepaid, this 2nd day of June 1986.

Louise Bradford

Louise Bradford

Sheldon J. Wolfe, Chairman
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Oscar H. Paris
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mary E. Wagner, Esq. (2)
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section (3)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Three Mile Island Alert, Inc.
315 Pepper Street
Harrisburg, PA 17102

Thomas Y. Au
Assistant Counsel Commonwealth
of Pennsylvania
Dept. of Environmental Resources
Bureau of Environmental Resources
Room 505 Executive House
P. O. Box 2357
Harrisburg, PA 17120

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Bruce W. Churchill, P.C.
Shaw, Pittman, Potts & Trowbridge
1800 M Street N.W.
Washington, D. C. 20036