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UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-289 (CH)

GENERAL PUBLIC UTILITIES NUCLEAR

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

TELEPHONE PREHEARING CONFERENCE

LOCATION: WASHINGTON, D. C.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:           :
GENERAL PUBLIC UTILITIES NUCLEAR : Docket Number
(Three Mile Island Nuclear   : 50-289 (CH)
Station, Unit No. 1)        :
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Ace-Federal Reporters, Inc.
Suite 402
444 North Capitol Street
Washington, D. C.

Tuesday, March 25, 1986

The above-entitled matter came on for telephone
prehearing conference, pursuant to notice, at 3:30 p.m.

BEFORE:

JUDGE MORTON B. MARGULIES, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

1 APPEARANCES:

2 On behalf of Charles Husted:

3 MICHAEL W. MAUPIN, ESQ.
4 MARIA CHRISTINA HENSLEY, ESQ.
5 Hunton & Williams
6 707 East Main Street
7 P. O. Box 1535
8 Richmond, Virginia 23212

9 On behalf of General Public Utilities Nuclear:

10 DEBORAH B. BAUSER, ESQ.
11 ERNEST BLAKE, ESQ.
12 Shaw, Pittman, Potts & Trowbridge
13 1800 M Street, N.W.
14 Washington, D. C. 20036

15 On behalf of Three Mile Island Alert:

16 LOUISE BRADFORD
17 1011 Green Street
18 Harrisburg, Pennsylvania 1712019 On behalf of the Nuclear Regulatory
20 Commission Staff:21 GEORGE E. JOHNSON, ESQ.
22 Office of Executive Legal Director
23 U.S. Nuclear Regulatory Commission
24 Washington, D. C. 20555
25

OMTbur 1

P R O C E E D I N G S

2

JUDGE MARGULIES: This is Judge Margulies.

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4

I thought I would use this mechanism to decide the motion that was filed by TMIA for extension of time and for delay of discovery.

5

6

My purpose in using this method is to see if we can keep to the hearing schedule that we have set for June 23rd, 1986, and this may enable us to do so.

7

8

We should have appearances on the record. So would you just give your name and who you are appearing for?

9

And we will start with Staff.

10

11

MR. JOHNSON: This is George Johnson, and I am counsel for the NRC Staff.

12

13

JUDGE MARGULIES: May we hear from counsel for Mr. Husted?

14

15

MR. MAUPIN: Yes. This is Mike Maupin. I am counsel for Mr. Husted.

16

17

I believe Ms. Hensley is listening in on the call on another line.

18

19

JUDGE MARGULIES: That is fine.

20

GPU Nuclear?

21

MS. BAUSER: This is Debbie Bauser, for GPU Nuclear.

22

23

MS. BRADFORD: This is Louise Bradford for Three Mile Island Alert.

OMTbur

1 JUDGE MARGULIES: Ms. Bradford, could you please
2 speak up a little louder? I am having difficulty hearing
3 you, and I don't know if anyone else is.

4 MS. BRADFORD: Okay.

5 JUDGE MARGULIES: Thank you.

6 'Since the filing of the motion and the responses,
7 the Commission has come forth with an order served March
8 21st, 1986 denying TMIA's motion to dismiss the notice of
9 hearing.

10 Was everyone apprised of that?

11 MS. BRADFORD: Yes, I received that today.

12 JUDGE MARGULIES: I see.

13 MR. MAUPIN: This is Mike Maupin. I have not
14 received it.

15 MS. BAUSER: I have received it, sir -- this is
16 Debbie Bouser -- several days ago.

17 MR. JOHNSON: And this is George Johnson. I have
18 received it, also.

19 JUDGE MARGULIES: Well, it was a short order,
20 Mr. Maupin, consisting of three pages, in which they denied
21 TMIA's motion to dismiss, and I think that may simplify
22 things for us in terms of disposing of the motion.

23 MR. MAUPIN: Okay.

24 JUDGE MARGULIES: Ms. Bradford, do you still need
25 or still request a delay in discovery?

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MS. BRADFORD: I need a little extra time. I am getting ready now to file the first interrogatories.

JUDGE MARGULIES: And when you say you need a little bit of time, what does that consist of?

MS. BRADFORD: I think possibly the two weeks that we had discussed at the prehearing conference. Otherwise, I think that I will only have opportunity for one round of discovery.

JUDGE MARGULIES: Well, is there any way that we can compress it into the existing schedule or compress the existing schedule to accommodate what additional time you might require?

MS. BRADFORD: Well, if I file my interrogatories tomorrow, as I expect to do, that way when they reach the parties they will have 14 days within which to respond.

I am looking at a calendar here.

That would bring us to April -- okay, it would bring us to April the 16th, I think, in which they would have time to respond, and then I would have another round if my request for extension were granted.

JUDGE MARGULIES: Would the other parties be able to compress the response time so that we could keep on schedule or close to it so that we complete discovery within the allotted time?

I know it is difficult for you to respond in that

OMTbur 1 you haven't seen the interrogatories as yet.

2 MS. BAUSER: Judge Margulies, speaking on behalf
3 of GPU Nuclear, we would endeavor to do it as quickly as we
4 could.

5 As you pointed out, without knowing exactly what
6 we would have to answer, if we would in fact have to answer
7 anything, it is difficult to say.

8 MR. MAUPIN: Mike Maupin.

9 My response is about the same. I will make every
10 effort to compress it.

11 MR. JOHNSON: This is George Johnson.

12 I would also make every effort. I would just
13 add, though, that it would be a lot easier to determine
14 whether an extension of the discovery period is warranted
15 after the first round is completed and the parties had an
16 opportunity to try to meet the schedule than it is right
17 now.

18 JUDGE MARGULIES: So your suggestion,
19 Mr. Johnson, is for Ms. Bradford to make her filing tomorrow
20 and to take it from there in terms of seeing when the
21 responses are filed?

22 MR. JOHNSON: That is correct. It may be that it
23 will take longer or it will take the allotted time, and if
24 so, maybe then it will be a little clearer that an extension
25 in order to get a second round in at this point is

OMTbur 1 necessary. But if people can respond more quickly, it may
2 not be.

3 MS. BAUSER: Judge Margulies, I would like to
4 also make another suggestion, which is that TMIA -- can TMIA
5 serve their discovery tomorrow by express mail because we
6 have had at times a five-or-six day interval between the
7 date on the pleading and the date of our receipt, which
8 could make a difference here?

9 MS. BRADFORD: I will attempt to do that. That
10 is also a problem that I have. I am not receiving filings
11 for sometimes up to a week after the date on the filing.

12 JUDGE MARGULIES: Well, actually, Ms. Bradford,
13 in terms of your motion, you had asked for relief to be
14 provided as of March 12th, and we didn't -- or I didn't
15 receive your motion until March 12th.

16 So all I am pointing out is the difficulty with
17 the mails, and if you would be able to -- and the other
18 parties as well -- if it means using express mail and they
19 are in a position to do so, it would certainly be most
20 helpful.

21 MS. BRADFORD: Well, I will attempt to do that.
22 I will have to call the people at TMIA who govern the
23 treasury and see if there is money available to do that.

24 JUDGE MARGULIES: But you are prepared to file as
25 of tomorrow in terms of the interrogatories?

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MS. BRADFORD: That is correct.

2

JUDGE MARGULIES: And is the mailing ready?

3

MS. BRADFORD: It is not typed. It is drafted

4

but not typed.

5

JUDGE MARGULIES: Moving over to the area in

6

terms of a request to object to my order, are you prepared

7

to file that?

8

MS. BRADFORD: An objection to your order?

9

JUDGE MARGULIES: Yes.

10

MS. BRADFORD: I think TMIA will not be filing an

11

objection to your order.

12

JUDGE MARGULIES: I see.

13

MS. BRADFORD: At this point.

14

JUDGE MARGULIES: So that matter has resolved

15

itself?

16

MS. BRADFORD: Right.

17

JUDGE MARGULIES: So then that whole issue has

18

become moot in one way or another?

19

MS. BRADFORD: That is correct.

20

JUDGE MARGULIES: Would it be possible for you to

21

make two mailings on your interrogatories so that there is

22

no problem in terms of sending them out by ordinary mail in

23

case you don't get approval to send them out express mail so

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at least they will be on their way to the parties?

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MS. BRADFORD: Yes, I will. I will certainly do

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that.

MS. BAUSER: Judge Margulies, 'f I could interrupt for a second.

JUDGE MARGULIES: Certainly.

MS. BAUSER: Ms. Bradford, do you have an idea when you would know whether you could do that?

Because although, as you know, it gets logistically complicated, I could endeavor to get some arrangement through GPU in Harrisburg if that were necessary. But I can only do that if I know, you know, at an early time tomorrow, for example.

MS. BRADFORD: Okay, I --

MS. BAUSER: Do you think you could find out this afternoon?

MS. BRADFORD: Yes, possibly I could, and I could -- in any case, I could call you by tomorrow morning and let you know.

MS. BAUSER: Okay. I am not in my office right now.

MS. BRADFORD: Okay.

MS. BAUSER: So if you would call me -- I will be there in the morning, though.

MS. BRADFORD: Yes.

MS. BAUSER: If you could call me tomorrow, I would -- if I could get a copy early, I would get it

OMTbur 1 rapidly to the other parties.

2 MS. BRADFORD: Okay, fine.

3 JUDGE MARGULIES: In terms of my ruling on the
4 motion, the first part is moot, as indicated by
5 Ms. Bradford, and as to the second part, I will defer taking
6 any position until we see how the first round goes and see
7 whether there is an actual need for a postponement, and if
8 there is at that time, I will have you, Ms. Bradford, make
9 the request once again.

10 MS. BRADFORD: Okay.

11 JUDGE MARGULIES: We will see if we can
12 accomplish it without an extension of time, and if it can't
13 be accomplished, then would you renew your request?

14 MS. BRADFORD: Yes, I will.

15 JUDGE MARGULIES: Is that satisfactory to the
16 other parties?

17 MR. MAUPIN: Yes.

18 MS. BAUSER: Yes, sir.

19 MR. JOHNSON: Yes.

20 JUDGE MARGULIES: I have nothing further.

21 The only matter presently besides this motion is
22 the objection of Staff to the prehearing conference order,
23 and I should be handling that within the next day or two.

24 Besides that, everything is current.

25 Do the other parties have anything further to

OMTbur 1 offer?

2 MR. MAUPIN: May I simply ask Ms. Bauser to flesh
3 out just a bit what she proposes to do with Ms. Bradford's
4 discovery request once she has got it in her hands? You are
5 talking about just having someone at the company pick it up
6 and federal express it or express mail it to the others of
us?

8 MS. BAUSER: Yes. It depends on the length of
9 it. It is possible I would get it telecopied, and then I
10 could telecopy it on to you.

11 MR. MAUPIN: Yes.

12 MS. BAUSER: If it is lengthy, then I may just
13 use the express mail service.

14 I should add, we have had -- as Ms. Bradford
15 knows, we have had some difficulties in the past making
16 arrangements to pick up documents, and what not, so I am a
17 little wary of that and would much prefer her to express
18 mail it. I just think it really is -- relieves a tremendous
19 amount of logistical difficulty.

20 But I would certainly try to do that if that is
21 not possible.

22 MR. MAUPIN: But Mr. Johnson and I could call
23 you sometime in the middle of the day tomorrow and at least
24 get a status report on where that is.

25 MS. BAUSER: Yes, I will call you.

OMTbur 1

MR. MAUPIN: Okay, right.

2

MS. BAUSER: After Ms. Bradford calls me and let
3 you know whatever the status is.

4

MR. MAUPIN: Okay, that is all I have got.

5

JUDGE MARGULIES: Ms. Bradford, could you give us
6 an idea of how lengthy the request is?

7

MS. BRADFORD: I would say not more than 10 or 12
8 pages at the most.

9

JUDGE MARGULIES: Does that help you any,
10 Ms. Bradford?

11

MS. BAUSER: Yes. That I can telecopy.

12

Louise, while we are on the subject, who is the
13 discovery directed at?

14

MS. BRADFORD: Okay, I have three sets of
15 discovery directed at each of the other parties.

16

MS. BAUSER: Okay.

17

JUDGE MARGULIES: All right. If there is nothing
18 further, we will conclude this conference call.

19

VOICES: Thank you.

20

JUDGE MARGULIES: Thank you all.

21

Bye now.

22

VOICES: Bye.

23

(Whereupon, at 3:45 p.m., the teleconference was
24 adjourned.)

25

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: GENERAL PUBLIC UTILITIES NUCLEAR
(Three Mile Island Nuclear Station,
Unit No. 1)

DOCKET NO.: 50-289 (CH)

PLACE: WASHINGTON, D. C.

DATE: TUESDAY, MARCH 25, 1986

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) Joseph R. Maggio
(TYPED) *JRM*

JOSEPH R. MAGGIO

Official Reporter
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