

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>et al.</u>)	Docket No. 50-289
)	
(Three Mile Island Nuclear Station,)	
Unit 1))	

APPLICANTS' ANSWER TO REGULATORY STAFF
MOTION FOR SCHEDULING

1. The Regulatory Staff has filed a Motion for Scheduling, dated August 28, 1973, and delivered copies of the motion in person to members of the Board and to counsel for the parties toward the close of the Prehearing Conference held in this proceeding on the same date. This answer will amplify and in some respects modify Applicants' oral response to the motion at the Prehearing Conference.

2. The Regulatory Staff's proposed schedule is geared to the expected issuance of a supplement to the Staff's Safety Evaluation Report during the second week in October and contemplates that no evidentiary hearing on any of the issues or controversies to be decided by this Board would commence until November 5, 1973. In explanation of its proposed schedule the Staff's motion

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states that there are three matters which bear upon Intervenor's contentions which have not yet been resolved to the satisfaction of the Staff and which will presumably be covered in the supplement to the Safety Evaluation Report, namely, (a) possible tendon bearing plate depression into concrete, (b) further analyses of fuel densification and (c) various aspects of the emergency plan. There is no suggestion that other issues and contentions before this Board are not now ripe for an evidentiary hearing.

3. Applicants have no objection to the deferment of an evidentiary hearing with respect to the foregoing three matters identified by the Staff until after the issuance of the Staff's supplement to the Safety Evaluation Report. In addition, since Intervenor's have only recently requested and have not yet availed themselves of an opportunity to review the Applicants' industrial security plan, Applicants would have no objection to deferral of the evidentiary hearing on Intervenor's contentions related thereto. Thus, Applicants would have no objection to deferral until after the issuance of the Staff's supplement to the Safety Evaluation Report of an evidentiary hearing on Intervenor's revised contentions 1, 2 and 9 and so much of Intervenor's revised contention 3 as relates to Applicants' onsite industrial security plan. Applicants request that the Board schedule in accordance with paragraph 4

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below an evidentiary hearing on all of Intervenor's' other revised contentions which may be allowed by the Board in this proceeding.

4. Applicants proposed at the close of the August 28 Prehearing Conference that the evidentiary hearing on all issues and contentions, except those to be addressed in the supplement to the Safety Evaluation Report, be scheduled toward the end of September. After reviewing the transcript of the Prehearing Conference, and particularly after taking into consideration the extension of time allowed by the Board for the submission of a Staff position on the allowability of revised contention 10 and the further opportunity afforded other parties to comment on the Staff position, Applicants now propose that the evidentiary hearing commence not later than the week beginning October 8. Applicants further urge the Board promptly to establish the exact date for commencement of the October hearing after consultation with counsel for the parties without awaiting the Board's final ruling on the allowability of all of Intervenor's' revised contentions. Scheduling the hearing at this time will allow the members of the Board and the parties to arrange their busy schedules around fixed hearing dates and would avoid delays which are otherwise likely to occur as a result of other schedule commitments if the setting of the hearing date is deferred. For the same reason,

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Applicants propose that the Board now adopt November 5, 1973 (the date proposed by the Staff for commencement of the entire evidentiary hearing) as the date of commencement for that portion of the hearing to encompass matters covered by the supplement to the Safety Evaluation Report.

5. Completing as much of the evidentiary hearing as possible in early October would be consistent with the hearing schedules contemplated by all parties at the Prehearing Conference held on May 24, 1973, and with discovery schedules and schedules for the submission of revised contentions pursuant to that Prehearing Conference. Applicants see no prejudice to any party in conducting a hearing covering the bulk of the contentions and issues before this Board in early October. There are a number of discrete contentions which could in themselves be time-consuming and which can be readily covered in an October hearing. These would include, for example, Intervenors' contentions with respect to protection against airplane crash, the environmental impact of cooling towers, the question of whether low level radioactive effluents will be "as low as practicable", and the protection of the facility against flooding. Each of these items will require specialized witnesses who can complete their testimony at the October hearing and who need not then be called

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again to complete the proceeding in November.

6. As proposed by the Regulatory Staff, Applicants request that each party who sponsors a witness shall present written testimony to the Board and the other parties one week in advance of that phase of the hearing to which the testimony relates.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


George F. Trowbridge

Dated: August 30, 1973

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