

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Reopened Hearings)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

TMIA MOTION FOR POSTPONEMENT
OF PREHEARING CONFERENCE

By Order dated September 14, 1983, this Board has requested from the parties information concerning the nature and extent of expected participation, a definition of hearing scope, subissues which should be addressed in the reopened management hearings, brief discovery requests, and statements from the NRC Staff as to when it can and would prefer to go to hearing. The Order also directs the parties to appear at an October 18, 1983 prehearing conference. TMIA respectfully requests postponement of this prehearing conference, and of any discovery which would be ordered from that date, until after hearings have been completed on the steam generator tube license amendment.

As this Board is or should be aware, the ASLB conducting hearings on the steam generator tube repairs have requested contentions from the parties by September 21, and have scheduled a prehearing conference for October 17. The parties who will be participating in the steam generator tube license amendment hearings are, with minor exceptions, identical to those involved in the instant case, i.e TMIA, the Aamodts, Licensee and the NRC Staff. (Intervenor Jane

Lee will also participate in the steam tube hearings, and UCS may participate in the management reopening). It is simply inconceivable to expect that TMIA or the Aamodts, the main intervenors in the management case, can prepare for and participate in both cases at the same time, even assuming actual hearing dates do not run simultaneously.

It has been TMIA's experience that the time which must be devoted to preparing for one hearing alone, in light of the imbalance of resources between intervenors and the Licensee and Staff, precludes effective participation and thus meaningful hearings. This is something which inexperienced and unfunded intervenors experience routinely, which became part of TMIA's management case appeal, and which should be of no surprise to this Board.

However, this Board has established an initial schedule which will force the two hearing processes to run simultaneously. This would make the intervenors' participation in these hearings so extraordinarily burdensome that TMIA can not even envision being able to usefully participate. At a minimum, concepts of procedural due process prohibit this Board from creating such a condition.

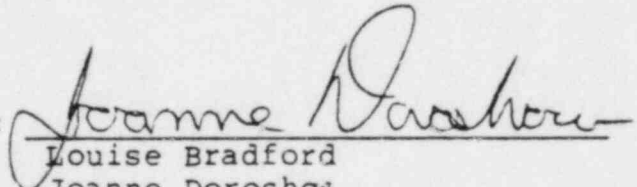
Moreover, the Staff itself has indicated that it will not have its own report completed on the "Hartman allegations", the subject of the reopened hearings, for several months, the staff having urged the Appeal Board to delay ruling on the reopening for that very reason.

Further, TMI-1 is far from even being physically ready to operate and certainly will not be before resolution of issues currently being raised in the steam generator tube license amendment hearings.

In light of the tremendous importance which the Appeal Board attached to proper resolution of the "Hartman allegations" which have become a subject of enormous concern within the Commission, and the gross violation of the intervenors' due process rights if forced to bear the burden of two simultaneous hearings, TMIA respectfully requests this Board to postpone its scheduled prehearing conference and any discovery which may be ordered from that date.

Respectfully submitted,

By:


Louise Bradford
Joanne Dorosh
TMIA

September 21, 1983

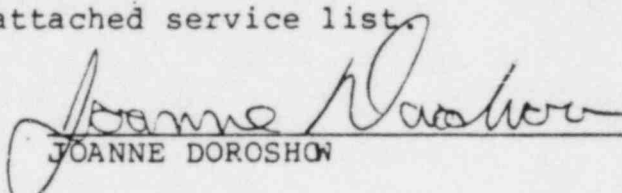
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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached TMIA MOTION
FOR POSTPONEMENT OF PREHEARING CONFERENCE and accompanying
letter to the Commissioners dated September 21, 1983, was
served this 21st day of September 21, 1983, by deposit in
the U.S. Mail, first class, postage prepaid, or hand
delivered, to those on the attached service list.


JOANNE DOROSHOW

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