

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD JUN 21 1983

In the Matter of  
METROPOLITAN EDISON COMPANY  
(Three Mile Island Nuclear  
Generating Station, Unit 1)

Docket 50-289 SP

AAMODT MOTIONS FOR PROVISION OF INFORMATION  
AND TO LIFT ORDER OF CONFIDENTIALITY OF REOPENED HEARING

The Appeal Board by Order of June 16, 1983 has set a time (July 20, 1983) to hear oral arguments concerning three motions to reopen the record of the Restart Proceeding. In addition, comments concerning new information (specifically Tim Martin's assertion on May 24, Dirck's letter of June 7 and Dieckamp's letter of June 10) in relation to the motions to reopen are invited to be filed by July 1, 1983. In undertaking these tasks, we motion for the provision of the following information:

1. All information the Department of Justice has provided to NRC concerning the Hartman matter.
2. The action within the DOJ investigation concerning the alleged undue influence of GPU attorneys. The DOJ is not opposed to a motion to obtain this information.
3. All NRC correspondence, interviews and investigations of the Hartman matter, including data, calculations and reports.
4. Information concerning allegations of further cheating on tests which was the subject of a memorandum of February 1, 1983 from Darrell G. Eisenhaut to the Commissioners and which information was not provided to us as requested in our letter to Mr. Eisenhaut of May 3, 1983.

5. Information provided to Inspection and Enforcement concerning their investigation of the allegations of the three engineers involved in the TMI-2 cleanup. We have been unable to obtain any affidavit of Larry King.

6. Information generated by the I&E investigation of the allegations of the three engineers.

7. All information concerning alleged falsification of training records at TMI-2, the subject of Board Notification 83-71.

8. The underlying data of the RHR study that is being provided to the Staff.

9. All communications between NRC and Licensee concerning the Hartman matter.

10. The resumes of all new employees considered in the Dircks and Dieckamp letters. By "new", we mean to the Restart Proceeding.

#### Bases

Our motions to obtain information are made as a party to the Restart Proceeding pursuant to 50 CFR 2.744. The information requests made cannot be denied under 50 CFR 2.790. The NRC policy provides that the right of persons properly and directly concerned to inspect a document should not be denied to protect the confidentiality of persons or need for secrecy in particular matters. 50 CFR 2.790(b)(6).

All motions (1 - 8) are based on NRC policy as stated in the United States Nuclear Regulatory Commission Staff Practice and Procedure Digest, NUREG-0386, Section 4.4:

4.4 Notice of Relevant Significant Developments

4.4(1) Duty to Inform Licensing Board

The NRC Staff has an obligation to lay all relevant materials before the Board to enable it to adequately dispose of the issues before it. Consolidated Edison Co. of N.Y. (Indian Point Station, Units 1, 2 & 3), CLI-77-2, 5 NRC 13 (1977). Moreover, the Staff is obligated to make every effort promptly to report newly discovered important information or significant developments related to a proceeding to the presiding Licensing Board and the parties. This duty to report arises immediately upon the Staff's discovery of the information and the Staff is not to delay in reporting until it has completed its own evaluation of the matter. Virginia Electric & Power Co. (North Anna Power Station, Units 1 & 2), CLI-76-22, 4 NRC 480, 491 at n.11 (1976). This same obligation extends to all parties, each of whom has an affirmative duty to keep Boards advised of significant changes and developments relevant to the proceeding. Duke Power Co. (Alvin W. Vogtle Nuclear Plant, Units 1 & 2), ALAB-291, 2 NRC 404, 408 (1975); Duke Power Co. (William B. McGuire Nuclear Station, Units 1 & 2), ALAB-143, 6 AEC 623, 625-26 (1973).

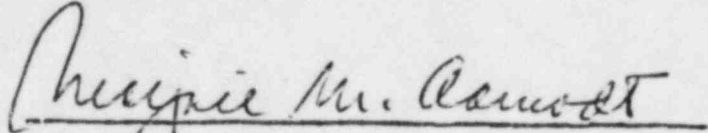
Concerning (1), the Staff has requested this information in order to revalidate their position on management integrity. Dircks Memoandum May 19, 1983, page 2.

Concerning (2), this motion was denied by the Commission prior to the Commission being informed by DOJ that they had no objection to providing acknowledgement of May 24 that DOJ information was relevant to the Restart Proceeding. May 24 Meeting Tr. 25,26.

Concerning (9), we would determine the extent to which our interests as a party have been affected pursuant to 10 CFR 2.714, 2.740 and 2.790.

We motion that the order of Confidentiality accorded to the operators who testified in the Reopened Proceeding be lifted. in order to discuss the information concerning staffing provided in the Dircks and Dieckamp letters.

Respectfully submitted,

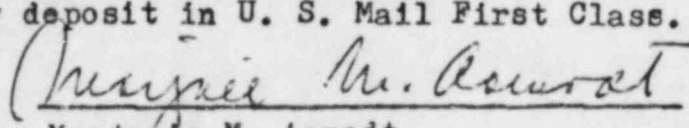
A handwritten signature in cursive script, reading "Marjorie M. Aamodt", written over a horizontal line.

Marjorie M. Aamodt

June 20, 1983

This is to certify that the document AAMODT MOTIONS FOR PROVISION OF INFORMATION AND TO LIFT ORDER OF CONFIDENTIALITY OF REOPENED HEARING was served by hand on the Service List marked \* and the remainder by deposit in U. S. Mail First Class.

June 21, 1983

  
Marjorie M. Aamodt

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