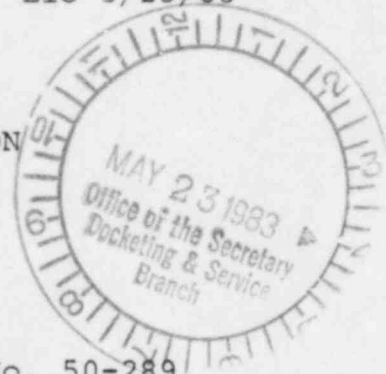


Lic 5/23/83

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION



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

MOTION FOR LEAVE TO FILE AFFIDAVIT

Attached hereto is an affidavit executed by Robert E. Rogan, Manager-Emergency Preparedness for GP'J Nuclear Corporation. Mr. Rogan's affidavit is being submitted in support of Licensee's Reply Opposing NRC Staff Brief on Review of ALAB-698. For the reasons stated below, Licensee requests leave to file the Rogan affidavit.

In its brief on Staffing of the Licensee's Emergency Operations Facility the NRC Staff asserts that Licensee's approach to EOF staffing is untested and unverified (Staff Br. at 24-26). As the attached Rogan affidavit demonstrates, this claim is factually inaccurate. However, since the emergency planning record in this proceeding has been closed for almost two years, the record does not disclose the results of recent drills and exercises conducted at TMI which show that Licensee's plan is not untested or unverified.

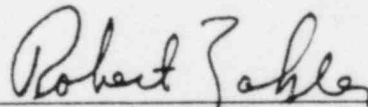
DSOS

The issue as to whether Licensee's staffing plan previously had been exercised arose for the first time during argument before the Appeal Board. The position that the staffing plan should not be approved because it allegedly had not been tested or verified was made for the first time in the NRC Staff's brief to the Commission. The facts which are described in Mr. Rogan's affidavit all occurred subsequent to December 1982.

In these circumstances, if Licensee is to have an adequate opportunity to present its position to the Commission -- a position that already has been endorsed by the Commission's Appeal Board -- equity and due process require that Licensee be permitted to supplement the evidentiary record in this proceeding with facts relating to recent testing of Licensee's emergency plan. Accordingly, the request for leave to file the Rogan affidavit should be granted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



Robert E. Zahler, P.C.
Counsel for Licensee
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

Dated: May 23, 1983