

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS:

Nunzio Palladino, Chairman
John Ahearne
Victor Gilinsky
Thomas Roberts
James Asselstine



In the Matter of

METROPOLITAN EDISON COMPANY
(Three Mile Island Nuclear
Generating Station, Unit 1)

Docket # 50-289 SP

AAMODT RESPONSE TO ORAL MOTION OF NRC STAFF TO EXTEND TIME FOR REPLY
TO AAMODT MOTION TO REOPEN THE RESTART HEARING

In our comments to the Commission concerning GPU v. B&W, filed with Docketing and Service Branch on April 18, 1983, we motioned for a reopening of the record of the Restart Proceeding and for access to documents related to GPU v. B&W, but not provided, and the affidavits of three engineers, recently employed at TMI-2, and corroborating information on interference with employees' testimony in the DOJ investigation of the Hartman matter. The NRC Staff informed us by telephone yesterday that they will seek an extension until May 16 to reply to our motions. We oppose the delay for the following reasons:

1. The subject which provides the basis for our motion has been a focus of the parties since March 16, 1983, when the Stucky memo directed the parties to file comments on GPU v. B&W.

2. The time provided by NRC rules for replies to motions should be sufficient. Ten days after receipt of a motion are provided for service of replies. The NRC Staff has an additional five days. Our motions were served on the parties on April 21, 1983, therefore, the parties' replies are due May 6, except for the Staff's, which are due May 11.¹

¹ Amended Certificate of Service, Enclosure 1.

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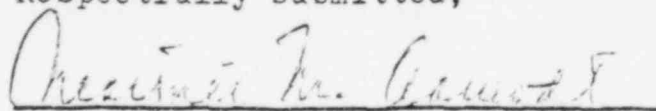
3. As a practical matter, the parties have more than ten days in which to make their replies. The Licensee received a copy of our motions (from the Staff) on April 22. The Commonwealth and TMIA were in receipt on April 25. UCS, in all likelihood, received our motion by April 25.² The Staff has had our motions since April 21, having been provided a copy by Docketing & Service.³

4. The Commission's schedule may not permit delay. Chairman Palladino (Memo, April 22, 1983) set the date of May 6, 1983 by which the Staff was to "revalidate" their conclusions concerning the management phase of the Restart Proceeding. The matter of restart of Unit 1 is a current consideration of the Commission. We are concerned that delay in replies to our motion may prevent consideration of it.

5. The NRC Staff has already taken a position which lends substantial support for our motion to reopen. The Staff has already admitted that the Hartman matter is significant, pertinent to the issue of management integrity, and, as revealed in GPU v. B&W, not aired in the Restart Proceeding. (Staff Comments, April 18, 1983; Memo, April 26, 1983). The Staff stated their need to reconsider their conclusions from the Restart Proceeding. What the Staff needs as a party to the Restart Proceeding, the Staff should not be accommodated through an extension to attempt to deny the other parties. If the Staff intends to support our motion, the extension would only be a useless delay; the Staff's position of "revalidation" already supports our motion to reopen.

6. The Commission does not need the replies of the parties to reopen the hearing. The Commission should reopen the hearing sua sponte in view of the significance of the Hartman matter and the new information provided by the three engineers involved in TMI-2 cleanup operations.

Respectfully submitted,



Marjorie M. Amodeo

² We were unable to contact UCS's attorney, however the Postmaster at Lancaster PA believed that delivery to Washington D. C. could have occurred as early as April 23.

³ We interpreted the Stucky memo (March 16, 1983) as Docketing & Service assuming the responsibility for service to all parties.

Amended

CERTIFICATE OF SERVICE

This is to certify that the document AAMODT COMMENTS CONCERNING NRC STAFF REVIEW OF GPU v. B&W COURT TRIAL TRANSCRIPT AND MOTIONS TO REOPEN RECORD OF RESTART PROCEEDING and ERRATA were served on the Service List on April 21, 1983 on the SERVICE LIST below, except for those marked (*). The Docketing & Service Branch was served by Express Mail on April 16, 1983 with the document and the Errata on May 3, 1983 by deposit in U. S. Mail, first class. Jack Goldberg, Esq. was served April 22, 1983. (having already been served by

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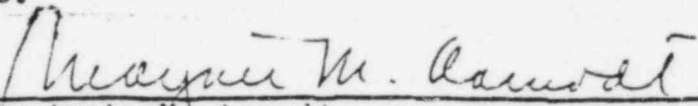
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CERTIFICATE OF SERVICE

This is to certify that the document AAMODT RESPONSE TO ORAL MOTION OF NRC STAFF TO EXTEND TIME FOR REPLY TO AAMODT MOTION TO REOPEN THE RESTART HEARING was served on all those listed below on May 3, 1983 by deposit with United Parcel, Wilmington, Delaware, for delivery to those in Washington, D. C. and by deposit in U. S. Mail, First Class, for all others.


Marjorie M. Aamodt

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