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October 7, 1983

Ivan W. Smith, Esq.
Chairman
Atomic Safety & Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Sheldon Wolfe, Esq.
Administrative Judge
Atomic Safety & Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Gustav Linenberger
Administrative Judge
Atomic Safety & Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: Metropolitan Edison Company (Three Mile Island
Nuclear Station, Unit No. 1), Docket No. 50-280-SP
(Restart Remand on Management)

Dear Sirs:

Together with the firm of Killian & Gephart, 216-218 Pine Street, Harrisburg, Pennsylvania 17108, we represent approximately 50 individual clients who were employed by Metropolitan Edison at Three Mile Island prior to March 28, 1979. Our clients include all persons assigned to TMI-2 as control room operators, shift foremen, and shift supervisors during the months preceding the accident (except for Harold W. Hartman, Jr.). Virtually all of our clients have testified before the March 1983 Grand Jury of the United States District Court for the Middle District of Pennsylvania concerning the Hartman allegations. We are informed that some of our clients may be recalled for further testimony before the Grand Jury.

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The Assistant United States Attorney in charge of the Grand Jury investigation has stated that he intends to conclude that investigation by December 1983.

It is our position that it is illegal and prejudicial to the rights of our clients to suggest or require that any of them testify concerning the Hartman allegations until the Grand Jury investigation has been concluded and the Department of Justice has determined that there is no basis for any criminal charges against them.

In response to the Memorandum and Order issued by the Atomic Safety and Licensing Board on September 14, 1983, we offer the following comments:

1. We intend to participate in the remanded hearing to the extent necessary to protect the rights of our individual clients. We assume that it is not necessary for our clients to move to intervene to protect their rights.

2. In our view, the Licensing Board should consider and determine two issues:

- (a) Whether any person now licensed to operate TMI-1 and now assigned to an operating shift for TMI-1 was or could have been involved in the falsification of leak rate test data alleged by Hartman?
- (b) Whether anyone in the chain of command for the operation of TMI-1 or any present officer of GPU Nuclear directed, condoned, or was aware of the falsification of leak rate test data alleged by Hartman?

We believe that those two issues can be resolved without the testimony of any of our clients.

3. No comment.

4. We do not presently anticipate that we will request any discovery.

5. Not applicable.

6. Not applicable.

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We intend to appear before the Licensing Board at the prehearing conference scheduled for October 18.

Very truly yours,

LeBOEUF, LAMB, LEIBY & MacRAE

By Harry H. Voigt

cc: All Parties on the Service List
Smith B. Gephart, Esq.