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May 29, 1985

## BY HAND DELIVERY

Chairman Nunzio J. Palladino  
Commissioner Thomas M. Roberts  
Commissioner James K. Asselstine  
Commissioner Frederick Bernthal  
Commissioner Lando W. Zech, Jr.  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Metropolitan Edison Company  
(Three Mile Island Nuclear Station, Unit No. 1)  
Docket No. 50-289 SP

Dear Chairman Palladino and Commissioners:

Last evening, Licensee received a copy of the UCS Motion for Stay. Licensee intends to oppose the stay request. We will file our opposition promptly, no later than Friday, May 31, 1985.

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PDR ADOCK 05000289  
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NRC Commissioners

May 29, 1985

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In the meantime, Licensee requests that the Commission take no action on the UCS motion. If UCS were truly concerned about having a "reasonable opportunity to take [its] case to court" (Motion at 13), it could have filed its stay request in a reasonably timely fashion, rather than the evening before the Commission's vote on restart. The Commission's Order scheduling the restart vote issued on May 8, 1985.

Moreover, as indicated in the Affidavit of Henry D. Hukill, Jr., attached to "Licensee's Opposition to TMIA Stay Request" (May 24, 1985), it will take Licensee at least five days to complete final plant heatup and surveillance testing using non-nuclear heat (Aff. at ¶ 7(a)). Thus, even if the Commission were to authorize restart this afternoon, Licensee would not be in a position to go critical before Monday, June 3, 1985. This five-day period will give the Commission an adequate opportunity to consider the UCS motion and prompt responses, and determine whether the equities truly require issuance of a stay. Any different action by the Commission would reward UCS for waiting until the eleventh hour to file its stay request with the Commission.

Respectfully submitted,

*Ernest L. Blake, Jr.*  
Ernest L. Blake, Jr.  
Counsel for Licensee

TMI-1 Service List