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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Ivan W. Smith, Chairman
Sheldon J. Wolfe, Alternate Chairman
Gustave A. Linenberger, Jr.

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In the Matter of)	Docket No. 50-289-SP
METROPOLITAN EDISON COMPANY)	[ASLBP 79-429-09-SP]
(Three Mile Island Nuclear)	(Restart Remand on
Station, Unit No. 1))	Management)
		July 8, 1985

MEMORANDUM AND ORDER RULING ON TMIA'S RESPONSE
TO LICENSEE'S PROPOSED EVALUATION PLAN

On June 24, 1985 the Licensing Board issued its Memorandum and Order approving Licensee's plan for evaluating the performance of licensed operators after training in the job setting for revisions to the training program. TMIA submitted a response to Licensee's proposed plan by a pleading dated June 25, 1985. Apparently TMIA's response crossed in the mail with the Board's June 24 Order. As of the date of TMIA's response, June 25, no party had filed a notice of appeal from the Board's June 24 Order. The Licensing Board still has jurisdiction over TMIA's response.

TMIA's response is late. The May 3, 1985 partial initial decision authorizing comments on Licensee's evaluation plan provided for submittal of the plan and the parties' comments within forty-five days

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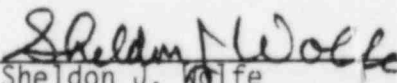
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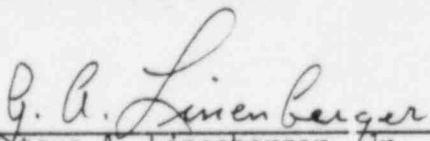
of the decision. PID at 217. Licensee, the NRC Staff, and Union of Concerned Scientists (UCS) met the Board's schedule by filing their respective papers on June 17.

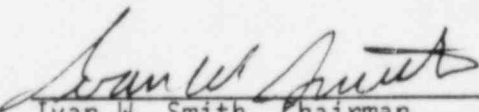
TMIA did not request an extension of time nor seek leave to file its response out of time. It simply alludes to the fact that it was occupied in court. TMIA's opportunity to comment on the plan has passed.

The Licensing Board has, nevertheless, examined TMIA's response to determine whether the Board, on its own initiative, should implement any of TMIA's recommendations. We see no need to disturb our June 24 Order. TMIA has not presented anything that we have not already considered.

ATOMIC SAFETY AND LICENSING BOARD


Sheldon J. Wolfe
ADMINISTRATIVE JUDGE


Gustave A. Linenberger, Jr.
ADMINISTRATIVE JUDGE


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

July 8, 1985