

A circular clock-style stamp. The outer ring contains numbers 1 through 12. The center of the stamp contains the date "JAN 27 1951" in a bold, sans-serif font. Below the date, the text "DOCKETING &" is on the first line, "SERVICE P. CH" is on the second line, and "SECY." is on the third line. A small, dark, triangular mark is positioned to the right of the date.

BEFORE THE ADMINISTRATIVE LAW JUDGE

MR. HUSTED'S ANSWER TO
SUPPLEMENT TO TMIA'S REQUEST
FOR LEAVE TO INTERVENE IN
THE HEARING GRANTED CHARLES HUSTED

I. The Appeal Board's condition barring Charles Husted from supervisory responsibilities insofar as the training of non-licensed personnel is concerned, should not be vacated.

II. Husted should be barred from serving as an NRC licensed operator by reason of his demonstrated bad attitude and lack of integrity.

The basis for each proposed contention is set out with reasonable specificity, and so Mr. Husted concludes that TMIA's proposed contentions are admissible and that TMIA should be permitted to participate as a party in this proceeding.

TMIA's two proposed contentions are, however, broad and conclusory in nature and, standing alone, offer inadequate guidance as to just what Mr. Husted must be prepared to defend against during the hearing. Without further restriction, the two contentions could be construed to broaden the scope of the proceeding beyond that contemplated by the Commission's September 5, 1985 Notice of Hearing. There is no indication in TMIA's Supplemental Petition, however, that it wishes to extend the scope of the hearing. The bases offered for TIMA's proposed contentions merely rephrase the issues set out in the Commission's Notice of Hearing and repeated in the December 6, 1985 Memorandum and Order. That being so, Mr. Husted recommends that the Administrative Law Judge exercise his authority to recast the contentions, see Pennsylvania Power & Light Co. (Susquehanna Steam Electric

Station, Units 1 and 2) LBP-79-6, 9 NRC 291, 296 (1979), and state the issues in this proceeding as follows:

1. Whether Mr. Husted solicited an answer to an exam question from another operator during an April 1, 1981, NRC written examination.

2. Whether Mr. Husted's testimony before the Special Master lacked forthrightness.

3. Whether Mr. Husted displayed a poor attitude toward the hearing on the cheating incident.

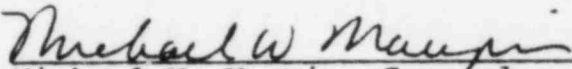
4. Whether Mr. Husted failed to cooperate with NRC personnel investigating the cheating incidents.

5. Whether, in light of the answers to issues 1-4 above, Mr. Husted should be barred from serving as an NRC-licensed operator, an instructor of licensed or non-licensed operators, or a supervisor of operator training personnel.

This formulation of the issues to be heard would be consistent with the contentions and bases submitted by TMIA, would ensure the litigation of GPU Nuclear Corporation's contention, and would be faithful to the Notice of Hearing.

Respectfully submitted,

CHARLES HUSTED


Michael W. Maupin, Counsel

Of Counsel

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Dated: January 24, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of)	
)	
General Public Utilities)	Docket No. 50-289 (CH)
Nuclear)	
)	
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

CERTIFICATE OF SERVICE

I certify that copies of Mr. Husted's Answer to Supplement to TMIA's Request for Leave to Intervene in the Hearing Granted Charles Husted, dated January 24, 1986, were served upon the following persons by deposit in the U.S. Mail, first class, postage prepaid, or, as indicated by one asterisk, by Federal Express, today:

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Chief, Docketing and
Service Section

*The Honorable Morton B. Margulies
Administrative Law Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

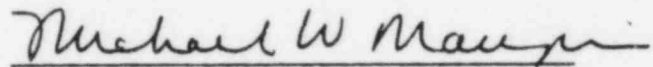
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Dated: January 24, 1986