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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

METROPOLITAN EDISON COMPANY, ET AL.

(Three Mile Island Nuclear Station, Unit 2)

Docket No. 50-320

NRC STAFF'S MOTION TO WITHDRAW SUBPOENA

On March 15, 1979, the NRC Staff served a subpoena, issued by the Chairman of this Atomic Safety and Licensing Appeal Board, on Captain Thomas C. Mangold, an employee of Trans World Airlines. This subpoena was continued pending the rescheduling of the subject hearing, which had been postponed as a consequence of the March 28, 1979 accident at the facility.

In response to notice of the rescheduling of the hearing, formally provided by Counsel's letter of December 12, 1979, Captain Mangold advised Counsel of his unavailability on the date set by the Appeal Board. Captain Mangold's unavailability is due to a long standing personal commitment which will place him outside of the United States on the date in question.

The Staff understands that to require Captain Mangold's presence on February 25, 1980, would be a great inconvenience to him. At the same time, the Staff does not believe that excusing Captain Mangold from appearing on that date

For the Appeal Board

Secretary to the Appeal Board

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would compromise its presentation or the completeness of the record on this issue. To assure that, the Staff proposes to call Captain Clark Billie, also a TWA employee and elicit his testimony.

Accordingly, the Staff respectfully moves (1) to have the Appeal Board formally excuse Captain Mangold from appearing on the date in question and (2) to withdraw its subpoena of Captain Thomas C. Mangold. The Staff will, under separate cover, ask that the Chairman of the Appeal Board issue a subpoena directing the attendance of Captain Billie. 1/

Staff counsel has discussed this matter with counsel for Licensee and the Commonwealth of Pennsylvania and Intervenor's representative, and is authorized to represent to the Appeal Board that they have no objection to the Staff's motion.

Respectfully submitted,

Lawrence J. Chandler Counsel for NRC Staff

Dated at Bethesda, Maryland this 22nd day of January, 1980

Captain Billie was notified of the date and general location of the hearing by phone on January 18, 1980.