

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD 15 A11:05

In the Matter of:

METROPOLITAN EDISON COMPANY,

(Three Mile Island Nuclear
Station, Unit No. 1)

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Docket No. 50-280
(Restart)

OFFICE OF SECRETARY
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COMMONWEALTH OF PENNSYLVANIA'S
MOTION FOR PARTIAL WITHDRAWAL
OF EXCEPTIONS AS MOOT

The Commonwealth filed four exceptions to the Atomic Safety and Licensing Board's July 27, 1982 Partial Initial Decision (Reopened Proceeding-Operator Cheating). Due to subsequent developments, the Commonwealth believes that certain portions of these exceptions are moot and no longer require resolution by this Board.

Commonwealth Exception (1) challenges the operation of TMI-1 by individuals G and H. The Licensee informed the Board and the parties by letter that operator G is no longer employed by the Licensee. Therefore, the Commonwealth moves to withdraw Exception (1) only as it applies to operator G.

Commonwealth Exception (3) would have required the Licensee to "ensure prior to restart that its training instructors have a high level of competence in instruction, including knowledge of subjects taught, skill in presentation of knowledge, and preparation, administration, and evaluation of examinations." In its brief to the Appeal Board in opposition to exceptions related to management issues (November 15, 1982), the Licensee committed itself to compliance with the Commonwealth's requested relief. The Licensee stated:

Licensee has not opposed and intends to comply with Licensing Board Condition (2) for all Licensee's training instructors at TMI-1. Additionally, Licensee intends to meet the Commonwealth's concern as articulated in its brief to the Appeal Board. Thus, Licensee herein commits (1) to complete and provide to NRR for its pre-restart approval, detailed specific criteria for licensed operator and retraining instructors, and (2) to provide to NRR prior to restart an evaluation of these instructors against the approved criteria.

Licensee Brief at 158. 1/ Conditioned upon the Appeal Board's acceptance and approval of the Licensee's offer as an enforceable commitment, the Commonwealth moves to withdraw Exception (3) as moot.

Respectfully submitted,

Robert W. Adler / *by Michele Straube*
Robert W. Adler
Assistant Counsel

Dated: December 13, 1982

1/ By footnote, Licensee limited this commitment to licensed operator training and retraining instructors, which Licensee understood to be the Commonwealth's concern. The Commonwealth concurs with this limitation.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

METROPOLITAN EDISON COMPANY,)

(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289
(Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Commonwealth of Pennsylvania's Motion for Partial Withdrawal of Exceptions as Moot" were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid this 13th day of December, 1982.

Robert W. Adler
Robert W. Adler
Assistant Counsel *by Michele Straube*

Dated: December 13, 1982

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