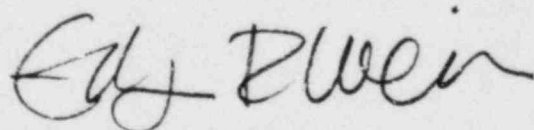


3. GPU has presented opinion evidence on many of the same subjects, particularly the interpretation which "experts" placed or would have placed on the information available during the accident. (See TMIA Memorandum of Points and Authorities, pp. 19-21) The obvious purpose of the GPU testimony is to argue that the data on the pressure spike would have been of no value to the Commission in its deliberations and hence was not material. The former Commissioners are in a position to rebut this claim. It is manifestly unfair to allow GPU to present this evidence but to deny TMIA an opportunity to meet it.

4. The NRC rules specifically permit the subpoenaing of witnesses whose testimony has relevance but who cannot or will not provide prefiled testimony as a witness for a party. Thus, the argument that this would be unfair is unpersuasive. Moreover, GPU has Mr. Bradford's deposition, could have deposed Dr. Gilinsky and clearly has the resources and ability to fully mitigate any surprise. Indeed, the Zebroski and Vanwitbeck testimonies are substantially pre-emptive rebuttal of the Bradford and Gilinsky evidence.

5. The Ethics in Government Act is inapplicable to the Sworn testimony of facts within the personal knowledge of the individual and to opinions derived therefrom. (Id. at 23)

Respectfully submitted,



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November 21, 1984

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BEFORE THE ATOMIC SAFETY
AND LICENSING APPEAL BOARD

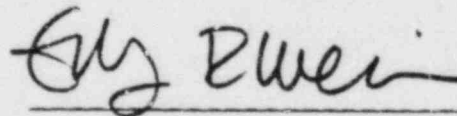
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
METROPOLITAN EDISON COMPANY)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))
_____)

Docket No. 50-289
(Restart Remand on
Management)

CERTIFICATE OF SERVICE

I hereby certify that copies of the UCS' RESPONSE TO TMIA'S MOTION FOR DIRECTED CERTIFICATION ON EXCLUSION OF TESTIMONY OF FORMER NUCLEAR REGULATORY COMMISSIONERS PETER BRADFORD AND VICTOR GILINSKY, were served on those indicated on the accompanying Service List. Service was made by deposit in The United States mail, first class, postage prepaid, on November 21, 1984, except those indicated by an asterisk were delivered by hand.



Elyn R. Weiss

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
) (Restart Remand on
(Three Mile Island Nuclear) Management)
Station, Unit No. 1))
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