

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

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NRC

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Administrative Judges:

Gary J. Edles, Chairman
Dr. John H. Buck
Christine N. Kohl

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

THREE MILE ISLAND ALERT'S MOTION FOR DIRECTED CERTIFICATION
ON EXCLUSION OF TESTIMONY OF FORMER NRC
COMMISSIONERS PETER BRADFORD AND VICTOR GILINSKY

Three Mile Island Alert ("TMIA"), pursuant to 10 CFR 2.771, petitions this Atomic Safety and Licensing Appeal Board ("Appeal Board") to consider and reverse an order of the Atomic Safety and Licensing Board ("Licensing Board") which foreclosed TMIA from presenting the testimony of former Nuclear Regulatory Commission ("NRC" or "Commission") Commissioners Victor Gilinsky and Peter Bradford and yet permitted licensee's presentation of factual and opinion testimony on the same matters.

Further, TMIA requests that the Appeal Board determine whether the Ethics in Government Act of 1978, 18 U.S.C. §207 applies to the proposed opinion testimony of former Commissioners Gilinsky and Bradford to foreclose its introduction into evidence in this proceeding.

In support of this motion, TMIA submits the accompanying Memorandum of Points and Authorities. It also refers the

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the Appeal Board to the following portions of the record below: TMIA's Motion for Leave to Present the Testimony of Victor Gilinsky; TMIA's Motion to Admit Deposition of Peter Bradford as Testimony of Unavailable Witness; Peter Bradford's Deposition of October 27, 1984; Licensee General Public Utilities Nuclear ("GPU") responses to TMIA's motions; the transcript of the November 9, 1984 Prehearing Conference containing the Licensing Board's order denying both of TMIA's motions to present the testimony of Dr. Gilinsky and Mr. Bradford; and the transcripts of the November 14 and November 15, 1984 hearings on the Dieckamp Mailgram issue.

TMIA requests expedited consideration of this interlocutory appeal in order that the error may be corrected prior to the close of the hearings on the Dieckamp Mailgram issue, currently scheduled to end approximately December 4, 1984.

Respectfully submitted,

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Dated: November 19, 1984

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