

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ADMINISTRATIVE LAW JUDGE
Ivan W. Smith

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

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Docket No. 50-289-SP
(ASLBP 79-429-09-SP)
(Restart Remand on Management)
February 21, 1985

MEMORANDUM AND ORDER DENYING MOTIONS FOR
LEAVE TO FILE REPLIES IN DISQUALIFICATION MATTER

Intervenors, Union of Concerned Scientists (UCS) and Three Mile Island Alert (TMIA) have each filed motions for leave to reply and have proffered replies to responses in this disqualification matter. Both motions are denied.

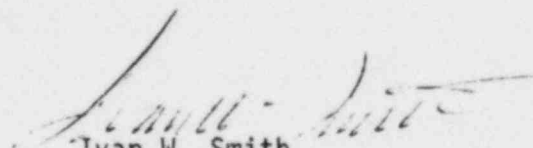
UCS's effort¹ is an untimely supplement to its disqualification motion. As noted in the memorandum and order denying the disqualification motions (February 20, 1985), UCS's pleading contains significant factual errors concerning its allegation that I have formed judgments based on extrajudicial information. The pleading is not helpful.

¹ Union of Concerned Scientists' Motion For Leave To Reply To Licensee And Staff Responses To UCS, Commonwealth, And TMIA Disqualification Motions And UCS' Reply, dated January 31, 1985.

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TMIA's proposed reply² has two purposes within my jurisdiction. The first (II A) responds to Licensee's argument that TMIA's motion to disqualify is untimely. That aspect of the tendered reply is moot, because I disregarded Licensee's valid complaint about the timeliness of TMIA disqualification motion. The other portion of TMIA's tendered reply (II B) is a supplement to its initial disqualification motion. It contains nothing of substance which could not have been advanced initially. The motion to reply is denied as untimely on that account.


Ivan W. Smith
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland
February 21, 1985

² Three Mile Island Alert's Motion For Leave To File Reply, And Reply To Licensee And Nuclear Regulatory Commission Staff's Responses To Commonwealth Of Pennsylvania, Three Mile Island Alert And Union Of Concerned Scientists' Motions To Disqualify Judge Ivan Smith, dated February 13, 1985.