

16 JUN 1986

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SECY-NRC

Before the Presiding Board

COMMENTS OF GARY P. MILLER
ON JUNE 6 FILINGS

On page 8 of the Memorandum and Order, the Presiding Board excluded from the record in this case U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, TMI-1 Restart: An Evaluation of

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the Licensee's Management Integrity As it Affects
Restart of Three Mile Island Nuclear Station Unit 1
Docket 50-289 (July 1984) (NUREG-0680 Supp. No. 5.)
§§ 4.0, 5.1, 5.2 and 13.2 (referred to herein as
Supp. 5). The exclusion, however, was "without
prejudice to the right of the Employees to urge
consideration of Unit 1 leak rate matters (including
section 13.2), as discussed in Section 4 of NUREG-0680
Supp. No. 5 by June 6, 1986, now that the NRR Report is
available." Memorandum and Order at 8.

In the Response, Employees urge the Presiding
Board to reconsider its ruling with respect to Supp. 5.
In support of its request, Employees rely entirely on
the argument that "it is important to know the history
of leak rate testing at TMI-1 in order to evaluate
allegations of misconduct in connection with leak rate
testing at TMI-2." Response at 3.

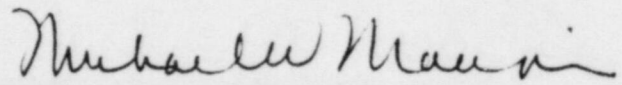
Mr. Miller would understand, then, that Employees
no longer seek to have included in the record § 13.2 of
Supp. 5, because § 13.2 does not deal with the history
of leak rate testing at TMI Unit 1. Similarly, Mr.
Miller would understand that Employees no longer seek
to have §§ 5.1 and 5.2 of Supp. 5 included, because

neither of those sections deals with the history of leak rate testing at TMI Unit 1.

The remaining section of Supp. 5 excluded by the Presiding Board is § 4.0. Section 4.0 does deal with the history of leak rate testing at TMI Unit 1, and so its inclusion in the record would presumably satisfy the request made by Employees in their Response. Mr. Miller does not object to the inclusion of § 4.0 of Supp. 5 in the record. Mr. Miller continues to object to the inclusion of §§ 5.1, 5.2 or 13.2 of Supp. 5 in the record of this proceeding.

Respectfully submitted,

GARY P. MILLER

By 
Michael W. Maupin, Counsel

Of Counsel

Michael W. Maupin
Maria C. Hensley

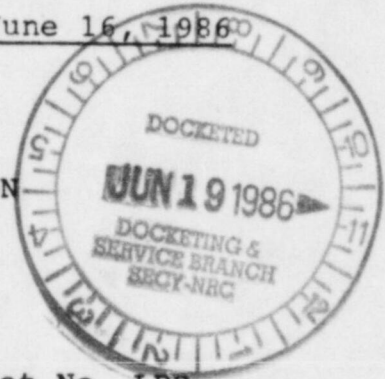
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Dated: June 16, 1986

June 16, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Presiding Board



In the Matter of)
INQUIRY INTO THREE MILE ISLAND) Docket No. LRP
UNIT 2 LEAK RATE DATA FALSIFICATION)

CERTIFICATE OF SERVICE

I certify that copies of the Comments of Gary P. Miller on June 6 Filings, dated June 16, 1986, were served upon the following persons today by deposit in the U.S. Mail, first class, postage prepaid, addressed to them at the places listed below:

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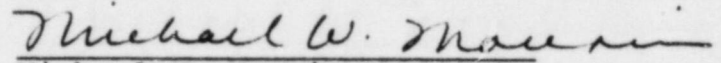
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Dated: June 16, 1986