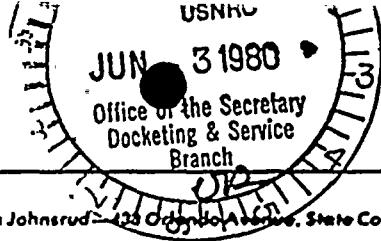


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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

4/3/80

In the Matter of
METROPOLITAN EDISON COMPANY, et al.
(Three Mile Island, Unit 1)

Docket No. 50-289
(Revocation of License)

ECNP RESPONSE TO SUSPENDED LICENSEE'S MOTION TO COMPEL DISCOVERY UPON ECNP

On April 1, 1980, ECNP received a motion to compel discovery upon ECNP. ECNP intervenors oppose this motion in its entirety; the motion is unfair, burdensome, and constitutes part of a continuing pattern of harrassment of this public-interest citizens' organization at the hands of the Suspended Licensee's law firm, Shaw, Potts, Pittman, and Trowbridge. (See 10 CFR 2.740(c); see also ECNP Intervenor's Request to the NRC Commissioners for Expedited Consideration of Actions of an Atomic Safety and Licensing Board and Other Matters, in Docket 50-387, 388, dated March 14, 1980, and Prehearing Conference transcript in Docket 50-387, 388, March 20, 1980, in which Applicant's Motion to restrict ECNP Intervenor's participation was denied.)

ECNP observes that, to this date, the ECNP Intervenor's have been totally denied discovery by the Suspended Licensee and, to date, have received not a single piece of paper requested on discovery concerning the TMI-2 accident from the NRC Staff, which had promised to meet such requests. Nor does ECNP even have access to the transcripts of this proceeding.

The ECNP Intervenor's have conveyed to this Board all of this information in the past. Yet no relief has been forthcoming. Quite to the contrary, this Board has contributed significantly to the denial of the right of full participation of ECNP in this proceeding. (See ECNP filing of January 24, 1980.)

Furthermore, at the February 13, 1980, Prehearing Conference, this Board set deadlines for filings which were physically impossible for the ECNP

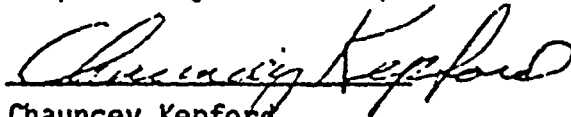
Since the TMI-2 accident, members of this law firm have, with the able assistance of the NRC Staff, reduced the participation of ECNP from a full party in the TMI-1 Restart and the Susquehanna 1 and 2 proceedings to one of solely responding to filings, with no time for constructive discovery or preparation of evidence. ECNP has thus been totally and completely denied the opportunity to ask interrogatories of either the Staff or Applicant in either proceeding, due to the time devoured in responding to filings that can only be called harrassment.

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Intervenors to meet, due to other obligations in other ongoing NRC proceedings related to TMI-2 in part, as ECNP accurately and honestly informed this Board. (Lacking the transcript, which was denied to these Intervenors, ECNP cannot here cite a page reference.)

To compel discovery upon ECNP would, under these circumstances, be unjust in the extreme. To do so would confirm the belief that the NRC Staff, the Suspended Licensee through its counsel, and this Licensing Board are committed to the proposition that ECNP will not be allowed to participate fully in this or any other NRC proceeding. These Intervenors have been active, and effective, parties to Nuclear Regulatory Commission, as well as Atomic Energy Commission proceedings since 1972. ECNP has participated in license proceedings for Three Mile Island, Units 1 and 2; Peach Bottom, Units 2 and 3; Fulton, Units 1 and 2; Limerick, Units 1 and 2; Newbold Island, Units 1 and 2; and Susquehanna, Units 1 and 2; ECNP has participated in the Commission's Generic Rulemaking proceedings on GESMO, Table S-3, ECCS, and the current Reassessment of Confidence in Radioactive Waste Disposal. In all these proceedings, the ECNP Intervenors have participated to the best of their financially constrained limits and always with integrity. It now appears, since the accident at Three Mile Island, that ECNP's participation is to be functionally denied and reduced to that of a cardboard puppet dangling from a string totally controlled by its adversaries. Under these circumstances, any representation of fairness to these Intervenors can only be termed a cruel hoax until and unless the ECNP Intervenors are enabled by actions of this Board to resume their constructive role in litigating the issues in contention.

Respectfully submitted,



Chauncey Kepford

Legal Representative, ECNP Intervenors

Dated this 3 day of
April, 1980



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CERTIFICATE OF SERVICE

I hereby certify that copies of RESPONSE OF ECNP TO ALAB-593 have been served on the following by deposit in the U.S. Mail, first class, postage paid, this 30 day of May, 1980:

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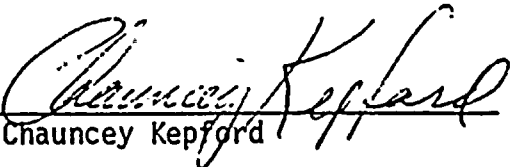
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