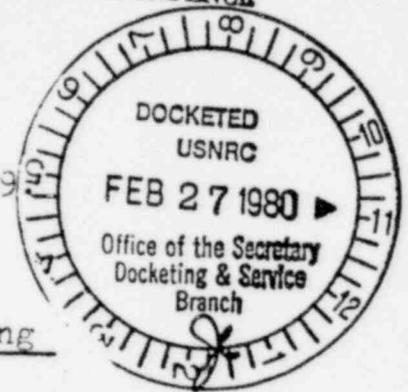


NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD.

In the matter of
 METROPOLITAN EDISON COMPANY
 (Three Mile Island, Unit 1.)

} Docket No. 50-289



Intervenor Lewis Communication with Staff concerning
NRC MAILINGS AND RELATED PROBLEMS.

The letter, Lucinda Low Swartz to Marvin I. Lewis dated 2/6/80, was received by Intervenor Lewis on 2-14-80. Normally, a slowdown in NRC mailings of 9 days would only be a minor inconvenience. However, in this case due to the Timing of a Special Prehearing Conference, the issues raised in your letter could not be raised at the Special Prehearing Conference. Further, the SPHC was the appropriate forum in which to raise these issues. Even more, my associate, Ms Barley, was at the SPHC and empowered to speak for me.

The first point in your Feb 6 letter is a notification that the answer to Lewis's Second Set of Interrogatories will not follow the schedule demanded by the rules for the other parties. Further, there is a disclaimer that the Staff need not follow the schedule. Ms Swartz states that the reason that she cannot answer within the time limits set for other parties is that the questions are quite lengthy.

Intervenor Lewis does not believe that the Second Set of Interrogatories are quite lengthy. There are only 10 questions. The length is not due to the questions, but due to the background information included for clarification.

Nonetheless, Intervenor Lewis can accept answers to his Second Set of Interrogatories on 25 Feb with the following proviso's:

1. Due to slow NRC mails, an NRC staffer shall place the envelop containing the answers in a public mail box or Post Office and sign his name, place of deposit, and time on the outside of the envelop.
2. If any interrogatories will be objected to by the Staff, said objections will be communicated by telephone to Intervenor Lewis at 215 CU 95964 or Susan Barley at 717 533 6516 upon receipt of this Communication.
3. Answers to interrogatories will be responsive.

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Another point in Ms Swartz letter of 20.2.6 requires correcting. Since Ms Swartz's ^{letter} is a matter of record, even minor points require correction to provide as accurate and flawless a record as possible. Ms Swartz Starts the second paragah in her letter, "I received a note from you today asking..." and ends the letter with, " I regret that you rushed to such a hasty conclusion." Intervenor Lewis has consulted several dictionaries and a thesaurus. Nowhere, no way is asking a synonym for concluding or conclusion. Intervenor Lewis asked; he did not conclude. Intervenor Lewis regrets that Ms Swartz , a graduate lawyer, does not appreciate the subtle difference between asking and concluding.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 6, 1980
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recd 14 Feb 1980

Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, Pennsylvania 19149

In the Matter of
Metropolitan Edison Company, et al.
(Three Mile Island, Unit 1)
Docket No. 50-289

Dear Mr. Lewis:

We have received your second set of interrogatories to the NRC Staff and are in the process of responding to them. The regulations do not set a time period within which the Staff must answer interrogatories although we do try to respond within the period set for other parties. In this case, however, your questions are quite lengthy and we will be unable to answer them until February 25, 1980.

I also received a note from you today asking whether Ann Tipton who works for the NRC Office of Executive Legal Director was also the Ann Tipton who wrote to the Commission concerning the restart of TMI-1. These women are different people and coincidentally share a name. I regret that you rushed to such a hasty conclusion.

DUPLICATE

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Sincerely,

Lucinda Low Swartz

Lucinda Low Swartz
Counsel for NRC Staff