

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

LICENSEE'S MOTION TO COMPEL CEA ANSWERS
TO LICENSEE'S INTERROGATORIES

I. INTRODUCTION

On January 18, 1980, Licensee served upon Chesapeake Energy Alliance, Inc. ("CEA") a first set of interrogatories. Licensee's interrogatories were addressed to, and designed to elicit the specific bases for, CEA Contentions 5, 6, 7, 8, and 13, and UCS Contention 13 (which the Board indicated that CEA would be permitted to adopt). Such interrogatories are clearly proper under the applicable Commission Rules governing discovery.

[I]t is clear that interrogatories seeking specification of the facts upon which a claim or contention is based are wholly proper, and that a party may be required to answer questions which attempt to ascertain the basis for his claim or, for example, what deficiencies or defects were claimed to exist with respect to a particular situation or cause.

The Commission's Rules on intervention presume that the parties had specific factual

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bases for their contentions. . . . Where the discovery request seeks to determine the factual basis for the contention, the intervenor is obliged to provide a complete, unevasive answer to the best of his or her ability.

Power Authority of the State of New York (Greene County Nuclear Power Plant) (December 15, 1978). See also, Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1 and 2)(May 20, 1976).

Under the Commission's Rules, responses to Licensee's interrogatories were initially due on February 6, 1980. Subsequently, the Board extended the response time until March 17, 1980, but enjoined the parties to use diligence in responding to discovery requests as soon as possible. On March 17, 1980, nearly two months after Licensee propounded interrogatories to CEA, and three weeks after objections to those interrogatories were due, CEA filed a document entitled "CEA's Response To Licensee's First Set of Interrogatories."

Most of CEA's responses to Licensee's interrogatories are insufficient, incomplete or unresponsive. CEA filed no response whatsoever to some of Licensee's interrogatories. Licensee therefore moves the Board for an order compelling CEA to respond fully to Interrogatories 5-1 proper, 5-1(a), 5-1(b), 5-1(c), 5-2, 5-3 proper, 5-3(a), 5-3(b), 5-3(c), 5-4, 5-5, 6-1 proper, 6-1(b), 6-1(c), 6-1(d), 6-2, 6-3(b), 6-3(c), 7-1 proper, 7-1(a), 7-1(b), 7-1(c), 7-1(d), 7-2 proper, 7-2(a), 7-2(b), 7-2(c), 7-2(d), 8-1 proper, 8-1(a), 8-1(b), 8-1(c), 12-2, 12-3, and 12-4.

In the discussion which follows, Licensee first presents its arguments of general applicability to many of CEA's responses to the interrogatories listed above. Licensee then sets forth each of its interrogatories listed above, with CEA's responses and Licensee's arguments specific to individual interrogatories.

II. DISCUSSION

As its response to many of Licensee's interrogatories, CEA has simply stated that the information sought by Licensee includes that information which would or should be provided by Licensee or the NRC Staff in their answers to CEA's own interrogatories on the referenced contention, which interrogatories were not filed by CEA until February 25, 1980. See CEA responses numbered 5-1(a), 5-1(b), 5-2, 5-3, 5-4, 6-1, 7-1, 7-2, 8-1, and 12-2. Such responses "toss the ball back" to Licensee, since they would effectively require Licensee to answer its own interrogatories on the bases for CEA's contentions. See, e.g., Woods v. Kornfeld, 9 F.R.D. 196, 198 (M.D. Pa. 1949); Brown v. Dunbar and Sullivan Dredging Co., 8 F.R.D. 105, 106 (W.D.N.Y. 1948); and 4A Moore's Federal Practice ¶ 33.02.

CEA's responses to Interrogatories 5-1(a), 5-1(b), 5-2, 5-3, 5-3(a), 5-3(b), 5-3(c), 5-4, 6-1, 6-1(b), 6-1(c), 6-1(d), 7-1, 7-1(a), 7-1(b), 7-1(c), 7-1(d), 7-2, 7-2(a), 7-2(b), 7-2(c), 7-2(d), 8-1, 8-1(a), 8-1(b), 8-1(c), and 12-2 are

therefore insufficient and constitute a perversion of the discovery process.

The marked insufficiency of CEA's responses to the above-listed interrogatories is perhaps most tellingly illustrated by CEA's stated reliance on interrogatory answers which CEA has not yet seen. Licensee filed timely objections to some of CEA's interrogatories, but sought and obtained a Board order extending until March 31, 1980 the time for its response to interrogatories filed by intervenors on or after February 13, 1980, including those filed on February 25 by CEA. "Memorandum and Order On Discovery Schedule Motions" (March 10, 1980), at pp. 1-2. Licensee is presently preparing, and is today filing, its responses to those CEA interrogatories to which Licensee did not object. Therefore, since CEA had not even seen Licensee's responses to its interrogatories at the time CEA responded to Licensee's interrogatories, CEA's reference to Licensee's responses as CEA's answers to Licensee's interrogatories is totally meaningless. Moreover, CEA has not attempted in any of its references to its interrogatories to Licensee and the NRC Staff to indicate specifically which of its interrogatories it believes will solicit the information indicated. CEA's responses to the above-listed interrogatories thus evidence no good faith effort whatsoever on the part of CEA to answer the interrogatories propounded to it by Licensee.

CEA's responses to Licensee's interrogatories, set forth below, are also insufficient, for the further reasons stated.

Interrogatories 5-1, 5-1(a), 5-1(b), and 5-1(c)

5-1. Describe with particularity the "possible interference from [Unit 2] contaminated water with storage space that might be required in the event of a TMI-1 accident."

(a) Identify the potential Unit 1 accidents assumed in the contention, remembering that the Licensing Board already has ruled that the scenario postulated in CEA Contention No. 2(a) is to be excluded.

(b) Estimate the quantity of radioactive wastewater requiring storage at Unit 1 which CEA contends will be generated by each of the accident scenarios identified above.

(c) Describe the mechanism by which CEA contends that each of the identified accidents will generate the quantity of radioactive wastewater requiring storage as estimated above.

CEA's Response

5-1. The 'possible interference' refers to the occupation of storage tanks, pipes, etc., with radioactive water from TMI-2 so as to prevent that storage space to be used to house contaminated water from a possible accident at TMI-1.

(a) The potential Unit 1 accidents assumed include any and all such accidents identified and/or described by Licensee or NRC in their responses to CEA's interrogatories on this contention, along with any and all accidents that should have been included in those answers, but were omitted.

(b) The quantities of radioactivity assumed are those quantities are those quantities described by Licensee or NRC in their answers to CEA's interrogatories on this contention, corrected for any possible errors or omissions.

As noted above in the Introduction, where a discovery request seeks to determine the factual basis for a contention,

the intervenor is obligated to provide a complete answer to the best of his or her ability. Having formulated a contention which postulates the "possible interference from [Unit 2] contaminated water with storage space that might be required in the event of a TMI-1 accident," CEA is obligated to describe for Licensee, with particularity, the "possible interference" to which CEA refers, including a description of the storage space to which CEA refers. CEA should therefore not be permitted to evade the requisite specificity by the use of the term "etc." in its response to Interrogatory 5-1 proper, and is obligated to identify any storage space other than storage tanks and pipes which it intends to litigate within this contention.

CEA's responses to Interrogatories 5-1(a) and 5-1(b), which refer to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, are insufficient for the reasons set forth in the general discussion of such responses, above.

CEA failed to file any response whatsoever to Interrogatory 5-1(c).

Interrogatory 5-2

5-2. Describe the potential accidents during decontamination and clean-up at Unit 2 which CEA contends might impact on the operation of Unit 1.

CEA's Response

5-2. The potential accidents during contamination and clean-up at TMI-2 that are assumed include all those accidents described by Licensee and/or by NRC in response to CEA's interrogatories on this matter, along with those accidents that should have been included but were omitted.

CEA's response to this interrogatory, which refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, is insufficient for the reasons set forth in the general discussion of such responses, above.

Interrogatories 5-3, 5-3(a), 5-3(b), and 5-3(c)

5-3. Identify each risk to the safe operation of Unit 1 which CEA contends is associated with the Unit 2 accidents described in the response to Interrogatory 5-2. For each risk so identified:

(a) Set forth each and every fact and the source of each and every fact upon which CEA bases its conclusion.

(b) Identify all documents, and the particular parts thereof, containing any evidence or information bearing upon or relating to CEA's conclusion.

(c) Identify all persons having any information or knowledge supporting or relating to CEA's conclusion.

CEA's Response

5-3. The risks to the safe operation of TMI-1 which CEA contends are associated with accidents at TMI-2 include those risks identified by Licensee and NRC in their answers to CEA's interrogatories on this matter, along with any other such risks that may have been omitted from those answers. The specific facts, documents and persons relied upon include those facts, documents and persons identified by Licensee and NRC.

CEA's responses to Interrogatories 5-3, 5-3(a), 5-3(b), and 5-3(c), which refer to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, are insufficient for the reasons set forth in the general discussion of such responses, above.

Interrogatory 5-4

5-4. Identify any evidence based on actual operation of EPICOR-II of which CEA is aware indicating that the effectiveness, reliability and/or safety of EPICOR-II is not as anticipated prior to actual operation.

CEA's Response

5-4. The evidence of lack of effectiveness or reliability of EPICOR-II will include that provided by Licensee and NRC in their answers to CEA interrogatories on this subject. Reports of EPICOR-II functioning less effectively than anticipated have been observed in newspapers by CEA, however, the names and dates of those newspaper reports are not known to CEA.

CEA's response to Interrogatory 5-4, to the extent that it refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, is insufficient for the reasons set forth in the general discussion of such responses, above. Moreover, as noted above in the Introduction, "[t]he Commission's Rules on intervention presume that the parties had specific factual bases for their contentions." Power Authority of the State of New York (Greene County Nuclear Plant) (December 15, 1978). Here, CEA suggests by its response to Interrogatory 5-4 that CEA's Contention 5 is based, at least in part, on newspaper reports of the operations of EPICOR-II, which CEA now

declines to identify. CEA must be developing its case on this aspect of Contention 5 on some foundation, and should be compelled to respond fully and substantively to Interrogatory 5-4, including any and all requested evidence, such as newspaper reports.

Interrogatory 5-5

5-5. Describe the basis for CEA's claim that a delay in the ultimate disposal of processed TMI-2 wastewater may interfere with emergency storage facilities that may be needed in the event of an accident at Unit 1.

CEA's Response

5-5. The principal element of the claim is based on the growing risk from corrosion and embrittlement of components of the reactor coolant system of TMI-2 resulting from continued exposure of those components to high levels of radioactivity, and the ensuing greater probabilities of further accidents and/or releases of radioactive effluents from TMI-2.

Though CEA sets forth what it considers to be the "principal element" of its claim, CEA does not relate the alleged risks and probabilities of accidents at TMI-2 to any interference "with emergency storage facilities that may be needed in the event of an accident at Unit 1." CEA's answer is thus completely unresponsive to the interrogatory which Licensee propounded.

Interrogatories 6-1, 6-1(a), 6-1(b), 6-1(c), and 6-1(d)

6-1. Explain the basis for CEA's claim that "TMI-2 continues to 'leak' contaminated water."

- (a) Define what CEA means by the word "leak".
- (b) Identify the source of each alleged "leak".
- (c) Identify where the contaminated water is allegedly "leaking" to.
- (d) Quantify (if known) in gallons per minute the rate of each "leak".

CEA's Response

6-1. The definition of 'leak' is included in CEA's interrogatory to Licensee on this matter, and the specific information on each leak should be provided by Licensee and by NRC in their responses to the interrogatories from CEA on the matter.

CEA has completely failed to respond to Interrogatory 6-1 proper, to the extent that CEA relies upon the responses of Licensee and the NRC Staff to CEA's interrogatories, since CEA alone can know the basis for its claims.

CEA's response to Interrogatories 6-1 proper, 6-1(b), 6-1(c), and 6-1(d) - to the extent that it refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories - is insufficient for the reasons set forth in the general discussion of such responses, above. In response to 6-1(d), if CEA has no knowledge of the rate of leakage of any "leaks" to which it refers, CEA need only so state, under oath.

Licensee accepts CEA's definition of "leak" in response to Interrogatory 6-1(a).

Interrogatory 6-2

6-2. Explain with particularity the risk to safe operation of Unit 1 from the "leaks" identified in the response to Interrogatory 6-1.

CEA's Response

6-2. The principal risk to TMI-1 from the TMI-2 risks [sic; probably "leaks"] is based on the fact that the existence of those leaks constitutes a parameter in respect to which TMI-2 is not under full control, as well as representing the probability that any of the leaks may develop into larger leaks, or that additional, more serious leaks may develop.

CEA's answer to Interrogatory 6-2 is wholly unresponsive. In response to Licensee's proper attempt to determine the factual basis for and the nexus to Unit 1 of the Unit 2 "leaks" to which CEA's Contention 6 refers, CEA has merely stated that Unit 2 "is not under full control," and that the "leaks" may become larger or more numerous. This is no answer to Licensee's question. CEA has failed to relate these Unit 2 "leaks" to Unit 1 in any manner whatsoever, and should be compelled to provide a full and substantive response to this interrogatory.

Interrogatories 6-3, 6-3(a), 6-3(b), and 6-3(c)

6-3. Explain the basis for CEA's claim that "as long as TMI-2 continues to generate surplus radioactive water that TMI-2 continues to pose the threat of returning to an active emergency status."

(a) Define what CEA means by the phrase "returning to an active emergency status."

(b) Explain with particularity the risk to safe operation of Unit 1 posed by such "emergency status."

(c) Is this risk the same as the "potentially severe conflict with operation of TMI-1" referred to in the last sentence of Contention No. 6? Explain what CEA means by "severe conflict with operation of TMI-1."

CEA's Response

6-4. [Sic; 6-3] The basis for CEA's claim is summarized in its response to 6-2 above.

(a) 'Returning to an active emergency status' is meant by CEA to refer to the resumption or development of conditions at TMI-2, of the existence or imminent prospects of existence of release(s) of major amounts of radioactive effluents from TMI-2, in particular, where those conditions are such as to call for the declaration of a site emergency or general emergency at TMI-2.

(b) The particular risks to the safe operation of TMI-1 posed by such 'emergency status' would of necessity depend on the specific form and parameters of the emergency condition at TMI-2.

(c) Generally speaking, yes. 'Severe conflict . . .' is meant to mean any condition that would severely conflict with the operation of TMI-1, including but not limited to the release of sufficient radiation to require the evacuation of the entire TMI facility, and/or would terminate offsite and/or onsite power for the operation of TMI-1.

CEA's answer to Interrogatory 6-3(b) is wholly unresponsive. Licensee's interrogatory is properly addressed to the nexus to Unit 1 of Unit 2's "return to active emergency status," as that term is defined by CEA. CEA simply evades the question with its statement that the particular risks to Unit 1 would depend on the specific emergency condition at Unit 2.

CEA's response to Interrogatory 6-3(c) is incomplete. Interrogatory 6-3(c) asks CEA to compare the risk identified by CEA in response to Interrogatory 6-3(b) to the "potentially severe conflict with operation of TMI-1" referred to in Contention 6. Since CEA failed to identify any risks in its response to Interrogatory 6-3(b), there is no basis for comparison and its response, ("[g]enerally speaking"), to the first part of Interrogatory 6-3(c) is rendered meaningless. Finally, CEA's response to the second part of Interrogatory 6-3(c) is a tautological definition of the CEA-coined term "severe conflict with operation of TMI-1", and a very general example of such a conflict, with the proviso that the "severe conflict[s]" referred to include, but are not limited to the example given. As noted above in the Introduction, Licensee is clearly entitled to know the specifics of any defects or deficiencies which an intervenor may claim to exist. Accordingly, CEA is obligated to fully explain what it means by "severe conflict with operation of TMI-1," either by a specific, non-tautological definition, or by a comprehensive listing of such postulated conflicts.

Licensee accepts both CEA's reference to its response to Interrogatory 6-2 as its answer to Interrogatory 6-3 proper, and CEA's definition of "returning to an active emergency status" in response to Interrogatory 6-3(a).

Interrogatory 7-1, 7-1(a), 7-1(b), 7-1(c), and 7-1(d)

7-1. Does CEA contend that the physical separation of Units 1 and 2, as described in the TMI-1 Restart Report, pages 7-1 through 7-6, and Supplement 1, Part 2, questions 52 and 54, is inadequate to resolve the concerns identified in CEA Contention No. 7? If so:

(a) Describe in detail the inadequacies of the physical separation proposed by Met-Ed.

(b) For each inadequacy listed, set forth each and every fact and the source of each and every fact relating to or bearing upon the allegation.

(c) For each inadequacy listed, identify all documents, and the particular parts thereof, containing any evidence or information relating to or bearing upon the allegation.

(d) For each inadequacy listed, identify all persons having any information or knowledge supporting or relating to the allegation.

CEA's Response

7-1. The existence of any such inadequacies, and the facts, documents, and persons relied upon for establishing such inadequacies will be included in the responses of Licensee and NRC to CEA's interrogatories on this matter.

CEA has completely failed to respond to Interrogatory 7-1 proper, since CEA alone can know what CEA contends. In this respect, CEA's reference to the responses of Licensee and the NRC Staff to CEA's interrogatories is wholly unavailing. Moreover, CEA's total reliance on the responses of Licensee and the NRC Staff to its interrogatories suggests that CEA has not even referred to the TMI-1 Restart Report, referenced in the interrogatory, in formulating its position on Contention 7. Finally, CEA's response to Interrogatories 7-1, 7-1(a), 7-1(b),

7-1(c), and 7-1(d), as it refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, is insufficient for the reasons set forth in the general discussion of such responses above.

Interrogatories 7-2, 7-2(a), 7-2(b), 7-2(c), and 7-2(d)

7-2. Does CEA contend that the safety evaluation performed by the NRC Staff with respect to the physical separation of Units 1 and 2, as described in the January 11, 1980 Status Report on the Evaluation of Licensee's Compliance with the NRC Order dated August 9, 1979 ("Status Report"), pages C4-1 through C4-16, with particular reference to the section on "Process and Effluent Radiological Monitoring System (p. C4-10), is inadequate to resolve the concerns identified in CEA Contention No. 7? If so:

(a) Describe in detail the inadequacies of the physical separation safety evaluation performed by the NRC Staff.

(b) For each inadequacy listed, set forth each and every fact and the source of each and every fact relating to or bearing upon the allegation.

(c) For each inadequacy listed, identify all documents, and particular parts thereof, containing any evidence or information relating to or bearing upon the allegation.

(d) For each inadequacy listed, identify all persons having any information or knowledge supporting or relating to the allegation.

CEA's Response

7-2. Same answer as 7-1 above.

CEA has completely failed to respond to Interrogatory 7-2 proper, since CEA alone can know what CEA contends. In this respect, CEA's reference to the responses of Licensee and the

NRC Staff to CEA's interrogatories is wholly unavailing. Moreover, CEA's total reliance for its answer on the responses of Licensee and the NRC Staff to its interrogatories suggests that CEA has not even referred to the January 11, 1980 Status Report, referenced in the interrogatory, in formulating its position on Contention 7.

Finally, CEA's response to Interrogatories 7-2, 7-2(a), 7-2(b), 7-2(c), and 7-2(d) - to the extent it refers to the responses of Licensee and the NRC Staff to certain unspecified CEA interrogatories - is insufficient for the reasons set forth in the general discussion of such responses above.

Interrogatories 8-1, 8-1(a), 8-1(b), and 8-1(c)

8-1. Identify all alleged "evidence of the inadequacy of licensee's management capability", other than the specific items referenced in a through k which are set forth as a "Basis for Contention #14" by Intervenor Steven C. Sholly.

(a) For each piece of evidence listed, set forth each and every fact and the source of each and every fact relating to or bearing upon the allegation [including, for example -- where the piece of evidence is a particular Licensee action -- the date of the alleged action, a description of the alleged action, and the name(s) of the specific person(s) who took the alleged action (if known), etc.].

(b) For each piece of evidence listed, identify all documents, and the particular parts thereof, containing any evidence or information relating to or bearing upon the allegation.

CEA's Response

8-1. The specifics of the alleged 'evidence of the inadequacy of licensee's management capability' will be

developed from information received from Licensee and NRC in their answers to CEA's interrogatories on this subject, as will be the facts, documents, and persons relied upon by CEA.

CEA's response to Interrogatories 8-1, 8-1(a), 8-1(b), and 8-1(c), which refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, is insufficient for the reasons set forth in the general discussion of such responses, above.

Interrogatory 12-2

12-2. Describe the accidents which CEA contends are credible and not bounded by the TMI-1 design basis accidents.

CEA's Response

12-2. The answers to this interrogatory include those answers to CEA's interrogatories on this subject provided by Licensee and NRC, along with any such accidents that may be omitted from their answers.

CEA's response to Interrogatory 12-2, which refers to the responses of Licensee and the NRC Staff to unspecified CEA interrogatories, is insufficient for the reasons set forth in the general discussion of such responses, above.

Interrogatory 12-3

12-3. Explain as to each accident identified in answer to interrogatory 12-2 the nexus between such accident and the TMI-2 accident.

CEA's Response

12-3. The specific aspects of the nexus between each of the accidents and the TMI-2 accident will vary according to the

particular elements of each accident scenario. Every accident will share the common nexus of falling into the class of accidents not included in the design basis of TMI-1.

CEA's answer to Interrogatory 12-3 is wholly unresponsive. CEA obviously could not explain the nexus between the TMI-2 accident and each accident identified in its answer to Interrogatory 12-2, since CEA refused to respond to Interrogatory 12-2. However, CEA attempted to evade Interrogatory 12-3 by its self-evident statement that the specific nexus between any accidents and the TMI-2 accident "will vary according to the particular elements of each accident scenario."

The second statement of CEA's answer to Interrogatory 12-3 is similarly unresponsive. In answer to Licensee's request that CEA explain the nexus between the TMI-2 accident and each accident which CEA contends is credible and not bounded by the TMI-1 design basis, CEA states that all such accidents are not included in the design basis of TMI-1. This is nothing more than a restatement of the class of accidents to which the interrogatory (like the contention) refers, and in no way indicates the relationship between any such postulated accidents and the TMI-2 accident.

Interrogatory 12-4

12-4. Explain what CEA means when it contends that an accident is not "bounded" by the design basis accidents for TMI. Indicate in particular as to each accident identified in answer to interrogatory 12-2 whether the term "bounded" refers to accident events or accident consequences or both.

CEA's Response

12-4. CEA means by 'not bounded' that an accident is not included in the boundaries of that class of accidents for which the design basis of TMI-1 has been established, whether those boundaries refer to specific events or to the consequences of the accidents. As to which of those a given accident is not bounded by, that will vary according to the specific characteristics of each accident.

Licensee accepts CEA's definition of "not bounded" in response to the first part of Interrogatory 12-4. However, CEA's answer to the second part of Interrogatory 12-4 is unresponsive. CEA obviously could not respond fully to this interrogatory by indicating the meaning of the term "bounded" with respect to each accident identified in response to Interrogatory 12-2, since CEA refused to respond to Interrogatory 12-2. CEA's self-evident statement that the answer to the second part of Interrogatory 12-4 "will vary according to the specific characteristics of each accident" merely evades the interrogatory, and is not the full and substantive response to which Licensee is entitled.

III. CONCLUSION

CEA's response to Interrogatories 5-1(a), 5-1(b), 5-2, 5-3 proper, 5-3(a), 5-3(b), 5-3(c), 5-4, 6-1 proper, 6-1(b), 6-1(c), 6-1(d), 7-1 proper, 7-1(a), 7-1(b), 7-1(c), 7-1(d), 7-2 proper, 7-2(a), 7-2(b), 7-2(c), 7-2(d), 8-1 proper, 8-1(a), 8-1(b), 8-1(c), and 12-2 are insufficient because they effectively require Licensee to answer its own interrogatories on the bases for CEA's contentions.

CEA's responses to Interrogatories 5-1 proper, 5-4, and 6-3(c) are incomplete.

CEA's answers to Interrogatories 5-5, 6-2, 6-3(b), 12-3 and the second part of 12-4 are unresponsive.

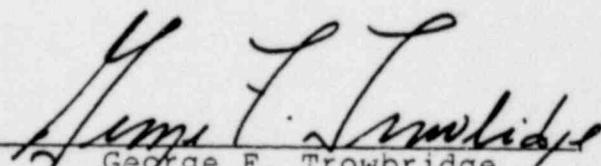
CEA filed no response whatsoever to Interrogatories 5-1(c), 6-1 proper, 7-1 proper, and 7-2 proper.

Accordingly, pursuant to 10 CFR § 2.740(f), Licensee moves the Licensing Board for an order compelling CEA to respond fully and substantively to the above-listed interrogatories of "Licensee's First Set of Interrogatories To Intervenor Chesapeake Energy Alliance, Inc.", dated January 18, 1980, within ten days from the date of issuance of such order by the Board. Licensee further notes that CEA failed to file affidavits supporting any of its March 17, 1980 responses to Licensee's interrogatories. Licensee therefore requests that the Board order CEA to file such affidavits in compliance with the requirements of 10 CFR § 2.740b(b).

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By:


George F. Trowbridge

Dated: March 31, 1980

March 31, 1980

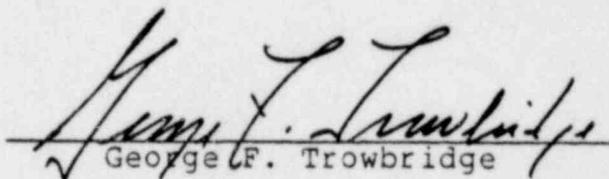
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Motion To Compel CEA Answers To Licensee's Interrogatories" were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 31st day of March, 1980.


George F. Trowbridge

Dated: March 31, 1980

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