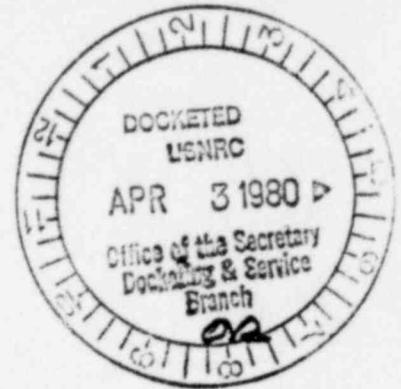


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little



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

Docket No. 50-289
(Restart)

MEMORANDUM AND ORDER ON LEWIS'
MARCH 4, 1980 REQUEST TO
COMPEL DISCOVERY FROM STAFF

Mr. Lewis' March 4, 1980 Motion to Compel discovery from staff covers Lewis interrogatories 14, 15, and 18.

In his motion to compel, Mr. Lewis rephrased his interrogatory 14 to request from the staff a "Pert or systems analysis to keep track of important items and goals" with respect to the staff's analyses of licensee's response to it. As rephrased from his earlier "How will I know ...?" inquiry, the interrogatory is appropriate to the extent it relates to his contention.

The staff's response, March 24, states that it has no duty to compile or organize material for Mr. Lewis. From this, we infer that the staff has no "Pert system" or other system referred to by Mr. Lewis. The staff's commitment to provide Mr. Lewis with information "in as clear and concise a manner as possible" and in a well organized manner is a sufficient response to Lewis interrogatory 14.

Mr. Lewis changed his interrogatory 15 from a sarcastic and rhetorical "Is the Staff satisfied merely by recommending things that never happen?" to an answerable form. The staff now agrees to answer this interrogatory. No ruling from the board is required.

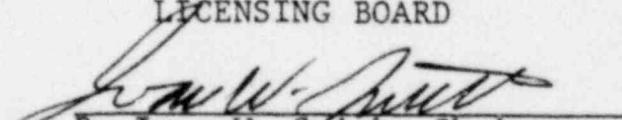
In his motion to compel, Mr. Lewis modified his interrogatory 18 as follows:

The first question, "How can I be sure that some inadequacy of the filters or vent header is not hidden or lost under the cloak of 10 CFR 2.790?", is specific. Further, this question is not objected to specifically by the Staff.

Intervenor Lewis requests that the Board specify a Staff member to review all the 10 CFR 2.790 Licensee submittals for anything which may produce a danger to the health and safety of the public. The Staff member must be well qualified to do this review, and his curriculum vitae or resume or professional qualifications must demonstrate his qualifications. The Staff member will then, under oath and in writing, provide a statement to the effect that he/she does not find anything in the vent header or filters hidden from public scrutiny by 10 CFR 2.790 to be in any conceivable way a danger to the health and safety of the public.

Mr. Lewis' first question, "How can I ...?" is not answerable. By his modification Mr. Lewis has, without a showing of good cause, submitted a new interrogatory after the February 25, 1980 time limit. It is denied on that account. It is also denied because it is impermissibly unbounded.

THE ATOMIC SAFETY AND
LICENSING BOARD


By Ivan W. Smith, Chairman

Bethesda, Maryland

April 2, 1980