

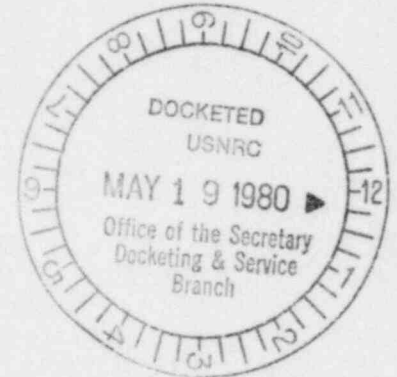
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

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 RESPONSE OBJECTING TO  
TMIA'S FOLLOW-UP INTERROGATORIES  
OF MAY 13, 1980



On May 13, 1980, TMIA filed ten follow-on interrogatories of Licensee based upon the deposition of Licensee employee Diane Kay Gee conducted on March 13, 1980. Licensee objects to all of these interrogatories.

Licensee first objects to the untimeliness of TMIA's Follow-Up Interrogatories. In its Fourth Special Prehearing Conference Order of February 29, 1980, the Board noted that in the case of discovery responses filed after February 25, 1980, follow-on discovery should be served not later than ten days from the date of service of the discovery response occasioning the need for follow-on discovery. The response date for depositions is not explicitly set out in the Commission's Rules but has been established for other purposes in this proceeding as the date scheduled for the deposition to be taken. TMIA's counsel took the deposition of Diane Kay Gee on March 31, 1980. Counsel for TMIA have acknowledged receipt of the reporter's transcript of that deposition in early April 1980, at the same time the transcript was provided to the deponent for corrections and verification. TMIA was in receipt of the information upon which it bases its Follow-Up

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Interrogatories, then, in late March at the time of the deposition and, again, in early April 1980. To have waited to file the follow-on interrogatories -- not following the deposition, and not following the receipt of the transcript of the deposition -- until receiving the typographical corrections and signature page of that transcript on May 6, 1980, is contrary to the discovery schedules established in this proceeding.

Licensee also objects to TMIA's Follow-Up Interrogatories because they are unrelated to the subject matter of TMIA Contention 5. Neither these interrogatories nor the referenced pages of Ms. Gee's deposition suggest a relationship to the subject of the TMIA contention -- the alleged improper and unsafe deferral of necessary maintenance during periods of routine plant operation to periods of scheduled reactor outages. Information on "cracking of pipes in the borated water system at TMI-1" and on "reorganization" are both post-TMI-2 accident matters irrelevant to TMIA Contention 5 and do not appear reasonably calculated to lead to the discovery of admissible evidence on that contention. See Deposition of Diane Kay Gee of March 31, 1980 (as to both subjects) and Licensee's LER submittal to NRC, dated May 16, 1979 (as to the cracking problem).

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By Ernest L. Blake, Jr.

Ernest L. Blake, Jr.

Counsel for Licensee

Dated: May 15, 1980.

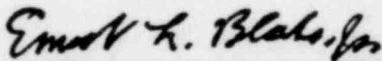
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response Objecting to TMIA's Follow-Up Interrogatories of May 13, 1980" were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 15th day of May, 1980.

  
\_\_\_\_\_  
Ernest L. Blake, Jr.

Dated: May 15, 1980.

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NUCLEAR REGULATORY COMMISSION

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